



F B McArdle
Chief Executive
South Derbyshire District Council,
Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH.

www.southderbyshire.gov.uk
@SDDC on Twitter
@southderbyshiredc on Facebook

Please ask for Democratic Services
Phone (01283) 595722/ 595848
Typetalk 18001
DX 23912 Swadlincote
Democraticservices@southderbyshire.gov.uk

Our Ref
Your Ref

Date: 27 November 2020

Dear Councillor,

Standards Committee

Please find enclosed the agenda and supporting information for the Standards Sub-Committee meeting.

A Meeting of the **Standards Committee** will be a **Virtual Committee**, held via Microsoft Teams on **Monday, 07 December 2020 at 10:00**.

If you require any further information, please contact Democratic Services on the number shown above.

Yours faithfully,

Chief Executive

To:- **Conservative Group**
Councillor Mrs Bridgen and Councillor Mrs Haines

Labour Group
Councillor Singh



AGENDA

Open to Public and Press

1	Appointment of Chairman	
2	Apologies	
3	To note any declarations of interest arising from any items on the Agenda	
4	To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.	
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Exclusion of the Public and Press:

- 7 The Chairman may therefore move:-
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 8 To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

REPORT TO:	STANDARDS SUB-COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	7th DECEMBER 2020	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR EXTENSION 5715 ardip.kaur@southderbyshire.gov.uk	DOC:
SUBJECT:	REPORT OF THE MONITORING OFFICER	REF: LAC/78
WARD(S) AFFECTED:	WILLINGTON	

1.0 Recommendations

- 1.1 That Members consider the Independent Investigators report at **Appendix 1**.
- 1.2 That Members consider the conclusion of the Independent Investigator at paragraph 8.2.3 of his report and determine whether Councillor Joe Cullen has breached the Willington Parish Council's Member Code of Conduct.
- 1.3 If Members determine Councillor Cullen has breached the Willington Parish Council's Member Code of Conduct what, if any sanction(s), should be imposed.

2.0 Purpose of Report

- 2.1 To consider the Independent Investigators report in relation to the allegations that Councillor Joe Cullen breached the Willington Parish Council's Member Code of Conduct. The report was commissioned by the Monitoring Officer in accordance with the Council's procedure for considering Member Code of Conduct complaints (**Appendix 2**).

3.0 Legal Implications

- 3.1 The Localism Act 2011 sets out legal requirements in relation to the Members Code of Conduct and breaches of that Code. Section 28(6) provides that the Council must have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations which can be made. In accordance with section 28(7) the Council has appointed two Independent Persons who can attend hearings. They do not vote but their views must be sought and taken into account prior to any decision being made.

4.0 Financial Implications

4.1 The financial implications associated with the complaint include the appointment of the Independent Investigator.

5.0 Corporate Implications

5.1 If the Independent Investigator's report finds there has been a breach of the Members Code of Conduct, the Monitoring Officer must refer the matter to the Standards Sub-Committee.

6.0 Community Implications

6.1 The Council's Standards Committee plays a vital role in promoting and maintaining the highest standards of conduct by Councilor's within South Derbyshire District Council.

7.0 Background Papers

7.1 Willington Parish Council Code of Conduct

WPC Code of conduct

Introduction

Pursuant to section 27 of the Localism Act 2011, Willington Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.
16. Notwithstanding the provisions of this code of conduct, the membership of an Advisory Committee of Willington Parish Council will not preclude the member from discussions or voting on the matter'.

Appendix A

Interests described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Melvin Kenyon and Associates

**South Derbyshire District Council (Willington Parish Council) Complaint
LAC/78 against Willington Parish Councillor Joe Cullen**

Report prepared for Ardip Kaur, Monitoring Officer, South Derbyshire District Council – 12 July 2020

Investigation Report – South Derbyshire District Council (Willington Parish Council)

Complaint against Councillor Joe Cullen (Subject Member)

1. EXECUTIVE SUMMARY

1.1 BACKGROUND

In late October 2019, Ardip Kaur, Monitoring Officer at South Derbyshire District Council (“SDDC”), appointed Melvin Kenyon to investigate certain complaints about the alleged conduct of Joe Cullen, Parish Councillor serving as a member of Willington Parish Council (“the Council”).

1.2 FOCUS OF THE INVESTIGATION

There were several complaints requiring investigation in Willington and Complainants had, in general, asked for their confidentiality to be preserved, as provided for under the SDDC Complaints Procedure, though that is not the case here. To reduce the complexity inherent in preserving confidentiality and help improve understanding, the complaints have been separated into coherent, manageable groups for reporting purposes.

On 4th July 2019, a complaint was submitted for Ardip Kaur’s attention by Cllr Phill Allsopp, Chair of Willington Parish Council, that contained allegations about harassing, abusive and vexatious emails that had been sent by Cllr Joe Cullen. This report (“the Report”) and the related investigation (“the Investigation”) together focus on that complaint (“the Complaint”). The relevant text taken from the Complaint is set out verbatim in Section 5 below.

1.3 CONCLUSIONS AND RECOMMENDATIONS

Based on the balance of probabilities and the evidence available to me, in respect of Complaint LAC/78 I conclude that Cllr Joe Cullen:

- **Was acting in official capacity when he sent the emails;**
- **Breached the Willington Parish Council Code of Conduct in that he did not treat the Chair, the Clerk, and his fellow councillors with courtesy and respect and thus did not “behave in such a way that a reasonable person would regard as respectful”. In reaching this conclusion I note that the Code makes no reference to “bringing the Council and the office of Councillor into disrepute” even though I do not doubt that Cllr Cullen’s behaviour did exactly that; and**
- **Behaved in a way that a reasonable person would regard as bullying or intimidatory.**

On the basis of the conclusions above I make the following recommendations:

1. **That the breach of the Code of Conduct by Cllr Joe Cullen in regard to the emails considered under Complaint LAC/78 be referred to the South Derbyshire District Council Standards Committee for further action.**

2. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that councillors should not exhibit behaviour which “brings the Council or the office of Councillor into disrepute”.
3. That Willington Parish Council agrees to a programme of reconciliation and a review of its working arrangements to try to restore relations within the Council and, further, that any councillor who is unwilling to take part in a programme of reconciliation should consider their position as a councillor.

2 OFFICIAL DETAILS OF JOE CULLEN (SUBJECT MEMBER)

CLlr Joe Cullen declined to co-operate with the Investigation (see Section 6.2.2 below). As a consequence, I have not had the opportunity to hear first-hand about his past involvement with Willington Parish Council. Evidence quickly gathered from the SDDC and Willington Parish Council websites suggests that he was elected unopposed to the Council in the autumn of 2014 (he was certainly a serving member at the 14th October 2014 meeting) and he appears to have been elected unopposed in May 2015 before being elected in a ballot in May 2019. He appears to be a member of the Recreation and Amenities Committee and the Staffing Committee and may also serve on other committees. I understand that, like his son, Paul who is also a Willington Parish Councillor, he is originally from Liverpool.

3 RELEVANT LEGISLATION AND PROTOCOLS

3.1 LOCALISM ACT 2011

Under section 27(1) of the Localism Act 2011 (“the Act”) a “relevant authority” (which includes a local council) is placed under a statutory duty to “promote and maintain high standards of conduct by members and co-opted members of the authority”.

Under section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity” (see 3.3 below).

Under section 28(1) of the Act a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with prescribed principles of standards in public life – the so-called “Nolan principles”.

The intention of the legislation is to ensure that the conduct of public life in local government does not fall below a minimum level which endangers public confidence in democracy.

Under section 28(6) of the Act, principal authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 27(7), arrangements put in place under subsection (6)(b) must include provision for the appointment by the principal authority of at least one “independent person” whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

Section 28(11) of the Act provides that if a member or co-opted member of the authority has failed to comply with its code of conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

3.2 WILLINGTON PARISH COUNCIL'S CODE OF CONDUCT

Under Section 27(2) of the Localism Act, the Council adopted the "WPC Code of Conduct" ("the Code") which can be found on the Parish Council website. The Council adopted the Code on 10th July 2012 (minute 1389 refers).

The Code aims "to promote and maintain high standards of behaviour by its members and coopted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council".

The Code is based on the seven principles of public life – the Nolan principles – and these are referred to in the "Introduction" to the Code. The Code, in particular, includes the following "member obligations":

- He/she shall behave in such a way that a reasonable person would regard as respectful.
- He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.

3.3 WHEN DOES THE CODE OF CONDUCT APPLY?

Under section 27(2) of the Act a relevant authority "must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority *when they are acting in that capacity*". This section of the Act narrowed the remit of the previous national Code of Conduct with the result that the Council (as with other councils) can only investigate matters where a member was acting as a councillor or as a representative of the Council at the time of the alleged incident.

Conduct that might be regarded as reprehensible and even unlawful is not necessarily covered by the code; a link to that person's membership of their authority and specifically their role as a councillor is needed.

Some activities clearly have no link with the Council such as a purely domestic matter or something that a member may do while employed in work completely unrelated to the Council. Councillors must actually be engaged on Council business or commenting on Council business or acting as a representative of the Authority to be deemed "within capacity".

4 CONTEXT

Willington is an attractive village, with just under 3000 residents, located on the River Trent around six miles south west of Derby and five miles north east of Burton upon Trent. Its Parish Council has eleven councillors. One of those, Cllr Andrew MacPherson is also a Conservative District Councillor for the Willington and Findern Ward. The District Council is South Derbyshire District Council, based in Swadlincote and its County Council is Derbyshire County Council.

5 COMPLAINT

5.1 FORMAL COMPLAINT LAC/78 DATED 4th JULY 2019

A formal complaint was raised on 4th July 2019 by Cllr Phill Allsopp, Chair of Willington Parish Council, containing an allegation about the conduct of Cllr Joe Cullen a member of Willington Parish Council. It is was received by Legal and Democratic Services at SDDC on 5th July and was assigned reference LAC/78. The text of the relevant part of the Complaint is presented verbatim as follows:

“Councillor Joe Cullen; this complaint is in regards to Councillor Joe Cullen’s harassing, abusive and general vexatious emails. I have been receiving these emails since I became Chairman of the Parish Council on the 14th May. I have included the emails in the package, I’ve tried to highlight the areas of concern but you will probably have to read them to get an idea what they’re about. For your information I didn’t reply to any of the emails after the first exchange because I didn’t want to get into an argument, this didn’t stop me receiving emails from him. Receiving the odd email that is abusive isn’t acceptable but I understand that occasionally happens but as you can appreciate to receive them on a regular basis is very stressful, I almost resigned because of this abuse but changed my mind after other Councillors called me to offer support. I understand that this isn’t the first time that Councillor Cullen has been reported, I only hope that someone will finally deal with the issue, it’s unacceptable that Councillors have to perform in this environment.

5.2 FURTHER EMAILS

Phill Allsopp told me that, since making the Complaint, he had received further harassing, abusive and vexatious emails from Joe Cullen and wished me to include those in the Complaint. I spoke to the Monitoring Officer about this and she confirmed that, because the allegation was the same as that made in the Complaint, then it was appropriate to consider them at the same time as the original complaint rather than raise a new complaint.

6 APPROACH

6.1 DOCUMENTS AND OTHER SOURCES

The source materials used during the Investigation are listed at **Annex 1** below. I obviously relied heavily, in particular, on the emails that were sent by Joe Cullen to Phill Allsopp and those are included separately in **Annex 2** below.

My colleague, Karen Potts, attended the 14th January 2020 Parish Council meeting unannounced - and “incognito” with her daughter-in-law - at my request (and cost). Her visit added nothing to the evidence base and I mention it solely for the purpose of completeness, openness, and transparency.

6.2 EVIDENCE GATHERING

6.2.1 Interview details

In respect of all the investigations into complaints I carried out at the request of the Monitoring Officer I gathered evidence at interview from seventeen people. I spoke formally to all members of Willington Parish Council, with the exception of Cllr Joe Cullen (see 6.2.2 below), who declined to be interviewed:

- Cllr P Allsopp (Chairman)
- Cllr M Bartram
- Cllr T Bartram
- Cllr C Blanksby
- Cllr C Carter
- Cllr R Casey
- Cllr P Cullen
- Cllr J Houghton
- Cllr A MacPherson
- Cllr I Walters

I interviewed Mrs D Townsend, the Locum Parish Clerk. I also gathered evidence from six members of the public. Whilst it is my normal practice to list interviewees by name, in this case, because many interviewees asked for confidentiality, I have not done that in respect of members of the public.

I invited Cllr Martyn Ford who, I was told, is often present at Willington Parish Council Meetings (presumably in his capacity as a District Councillor representing Willington and Findern and Derbyshire County Councillor representing Etwell and Repton) to talk to me. I did not receive a reply to my email and did not pursue it further.

With the exception of Cllr Paul Cullen, I carried out my interviews in two groups. The first group of interviews took place between 13th November and 4th December 2019 with a single interview (delayed by the General Election and Christmas) taking place on 10th January 2020. This group of interviewees was made up of the Chairman, two other Parish Councillors, the Locum Parish Clerk and six members of the public.

I began trying to arrange to speak to Paul Cullen on 22nd January 2020. We finally found a mutually acceptable date and time to speak some six and a half weeks later on 8th March 2020, a Sunday. This delay meant that the interviews that were still outstanding were themselves delayed. The second group of interviews took place between 8th April and 20th April 2020 and was made up of six Parish Councillors.

6.2.2 My efforts to speak to Joe Cullen

I began trying to arrange to speak to Joe Cullen on 23rd January 2020. I heard nothing so I wrote to him again on 28th January saying, "I would like to progress my investigation and would very much like to hear your version of events. If we are unable to meet I can, of course, progress with my work without speaking to you. However, in the interests of fairness to all parties I am hoping that we can arrange a mutually acceptable date and time".

Joe replied on 30th January saying, "I acknowledge the receipt of your email, I am on holiday for 2 weeks in February, so I will contact you when I get back, it will be towards the end of February". I replied an hour or so later asking when he would return from holiday and then again the following day saying that time was now of the essence and suggesting six largely late-February dates. I added, "If, for whatever reason, we are unable to meet on one of those dates, then I will go ahead and write my report anyway. I will share it with you before submission to the Monitoring Officer and you will be free to make comments. The report will naturally refer to the fact that we

have not met and, should my report recommend that the matter proceeds to a Standards Hearing, then you will of course be free to present your case before that Committee. I would, however, much prefer to meet you before I write my report so you can tell me your side of the story and so I can reflect that in my report”.

I received a reply from Joe on 3rd February, which included the text, “At this moment in time I do not agree that you are doing your utmost to be reasonable, if you want to be reasonable and show fairness to all parties you will agree with my timeline below. So my timeline is, that I am going to seek some advice regarding the legality of some of the statements you have made in your emails, particularly the one dated 23th January 2020, then as I have previously stated I will be going on holiday for 2 weeks, when I come back I will contact you regarding a date for our meeting, this date has to be right for me as the person that I intend to bring with me as an observer, lives quite a distance away.

On 26th February, having heard nothing more, I wrote to Joe saying, “It is now five weeks since I wrote to you and we have still not agreed a date to meet. It has therefore been agreed that, if we have not managed to meet by close of business on Friday 13th March, I should proceed to write my report and submit it to the Monitoring Officer for her consideration. In those circumstances, should I make the recommendation that there is a need to progress to a Hearing, then you will have the opportunity to present your case before the Standards Committee. I look forward to meeting you. Please note that I am not available on Friday evenings or at the weekends though I may be able to make myself available on weekday evenings by exception”.

On 7th March I received a very long email going over the history of events in Willington over the past months and the perceived delays in progressing the complaints that had been made. It began “I do not like the dictatorial attitude of your emails, nor the terms that you have laid down, for, a meeting were the terms are loaded in your favour, because you know the names of the complainants and I do not, so I have no intention of attending a kangaroo court where people have made allegations about me, but crave anonymity. If you want me to attend a meeting, to discuss these allegations then you will need to provide me with the names of these keyboard warriors and what their specific allegations are”.

The email continued, “If it was in a Court of Law and the prosecution wouldn't provide me with the names of people giving evidence against me they would be laughed out of court. In your last email you state in the interests of fairness to all parties, do you actually believe that statement”.

The email ended, “At this moment in time WPC are an absolute joke and possibly the most divisive and corrupt parish council in Derbyshire. You state that our correspondence is confidential, well I will be the judge of that, all correspondence between us will be confidential at my discretion, and my discretion will be to send all the vexatious accusations against myself, and all correspondence between yourself, Ardip Kaur and myself to the Liverpool Echo, to show them what a corrupt organisation, I am dealing with. Please do not contact me again because you people have been upsetting my wife, since last May with your accusations against me”.

I therefore acceded to Joe Cullen’s request and made no further effort to arrange to speak to him.

6.2.3 Interview methodology

The first group of interviews was carried out face-to-face with my colleague, Karen Potts, observing and taking notes. Those interviews all took place either in the homes of the interviewees or those of family members or friends. Where interviews are face-to-face it is my normal practice to talk to interviewees in “neutral” surroundings, such as council offices or meeting rooms, but in this case several interviewees told me they preferred not to be interviewed in locations where they felt they might be seen talking to me. Because of the COVID-19 pandemic I carried out the second group of interviews by telephone, and without Karen’s support.

With the exception of Paul Cullen, a note was produced as a summary of each of the interviews and all those interviewed were given the opportunity to comment on the note whilst it was still in draft. Several interviewees made comments and those comments were reflected in the final versions of the notes, which were then formally agreed by interviewees and shared with them. Section 7 of the Report contains details drawn mainly from the interviews.

My discussions with the first group of interviewees were recorded. Once summary notes had been signed-off by interviewees those became the formal record of each interview and the audio recordings and any written notes taken at interview were destroyed in accordance with (i) best data protection practice, (ii) what was agreed with the Monitoring Officer before my work began and (iii) what was agreed with interviewees. When I spoke to Cllr Tim Bartram for a second time I recorded that conversation at his suggestion. That audio recording has now also been destroyed.

My discussion with Paul Cullen took place at the Donington Manor Hotel in Castle Donington and I was accompanied by Karen Potts as notetaker and observer. It was recorded, with Paul Cullen’s acquiescence, and I believe that he himself recorded the conversation. A verbatim transcript was then produced and shared with him on 5th April. He acknowledged receipt on 16th April but, at time of writing, has not signed off the transcript. I will retain the audio recording for reference until my Investigations are complete.

6.3 THE REPORT

After I had completed the preliminary draft of the Report it was twice peer-reviewed – for quality and to ensure consistency of approach with similar cases across the country. Following those reviews, I shared the draft Report with the Monitoring Officer, who commissioned the Report, so that she could ensure that, on its face, it was indicative of a satisfactory investigation and was of the required standard.

I then shared the draft Report and its preliminary conclusions, in confidence, with the Complainant and the Subject Member. I received a response to the draft Report from the Complainant. The Subject Member did not acknowledge receipt of the draft Report and did not comment on it.

I now submit the Final Report, containing my final conclusions and recommendations, to the Monitoring Officer.

7 FINDINGS

7.1 EMAILS FROM JOE CULLEN

The emails that are part of the Complaint are included in full (with associated emails) in Annex 2 so that they can “speak for themselves” but have been listed below with reference numbers. The

reference numbers are used in the report so that readers can be clear which email or email chain is being discussed. Except where noted otherwise the emails were sent by Joe Cullen.

[Email 1] To Phill Allsopp, 24th May 2019, 11:52

Email 2] To Phill Allsopp, 28th May 2019, 08:34

[Email 3] To All Councillors, 5th June 2019, 08:11

[Email 4] To Phill Allsopp, 6th June 2019, 17:17

[Email 5] To Phill Allsopp, 8th June 2019, 07:31

[Email 6] To Phill Allsopp, 11th June 2019, 07:31

[Email 7] To Joe Cullen from John Houghton, 4th June 2019, 23:07 in response to Joe's email to John, 4th June, 16:10

[Email 8] To Caroline Blanksby, 25th October 2019, 10:43

[Email 9] To All Councillors, 19th October 2019, 15:28

[Email 10] To All Councillors, 11th November, 15:52

[Email 11] To Phill Allsopp, 14th December, 12:01

[Email 12] To Phill Allsopp, 15th December, 08:38

[Email 13] To Joe Cullen from Parish Clerk (Sabrina Doherty), 11th February 2020, 16:32

[Email 14] To Phill Allsopp, 4th March, 08:33

[Email 15] To Willington Parish Clerk (Deb Townsend), 26th November 2019, 21:20

[Email 16] To Willington Parish Clerk (Deb Townsend), 24th November 2019, 13:35

7.2 PHILL ALLSOPP STATEMENT

Those parts of the statement made by Phill Allsopp, who had raised Complaint LAC/78, which are relevant to this Investigation read as follows:

“Complaint LAC/78 referred to harassing, abusive and generally vexatious emails from Joe Cullen which Phill Allsopp had been receiving since he became Chair. Joe knew that Phill had put this complaint into the Monitoring Officer, so confidentiality was not an issue here.

“Phill then shared a number of emails (though there were others) that contained the kind of harassing, vexatious and abusive language that Phill was objecting to. Some of these had not been included in his original submission to the Monitoring Officer. Phill said that these emails and others should be read by Melvin Kenyon in detail to get a proper flavour of the kind of emails that were being sent by Joe. Melvin agreed that he would do that after the conversation. Phill said that, should any further emails arrive that he felt were similarly abusive and vexatious, he would forward them to Melvin, perhaps via the Monitoring Officer, so that Melvin could consider them to be part of this same complaint.

24th May 11:52 – This email **[Email 01]**, copying all councillors, was one of a series about the recently formed Staffing Committee. At the first meeting of the Parish Council after the election

(the Annual Meeting on 14th May), when councillors indicated which committees they would like to serve on, Phill had expressed interest in the Staffing Committee. Joe had been adamant that, as Chair, Phill could not be a member of the Staffing Committee and had been very vocal about it at the meeting. This was not actually true though Phill did not know it at the time and did not push it because it was his first meeting; anyone has a right to join any committee. Phill was now a member of the Committee.

The earlier emails in the series were about a pending performance review of the then clerk Rebecca House which included, in Phill's opinion, sensitive information which Joe had shared with all councillors as well as with the clerk herself. Phill pointed this out politely to Joe (as Councillor J Cullen because he had forbidden others to call him Joe). Joe replied simply "I sent the email to the clerk and it was no mistake, I asked for information regarding the Staffing Committee, there is no sensitive information in my email, and don't reply to this email".

Phill made the mistake of replying and received a reply suggesting Phill was a member of "the clique" and referring to John Phillips, scumbags and drug dealers. Phill replied. Joe then sent the email of 24th May. Following a "rant" about his potential involvement in the Staffing Committee Joe went on to say, "Your interpretation of sensitive information and my interpretation are perhaps not the same, probably very much in the same way as your view of racist, discriminatory comments and mine are different. I stand up against them whilst your continued silence suggests you condone them. I would also add that you appear to believe that your recent appointment as Chair of the Parish Council had elevated you to some kind of "Super Councillor" status, so can I just take this opportunity to bring you back to earth and remind you the Chair has no executive powers".

28th May 8:34 – This email **[Email 02]** followed up on the previous email and asked nine questions. Phill found several of the questions and the aggressive tone completely unacceptable.

5th June 8:11 – This email **[Email 03]** was sent as a result of Rebecca House's decision to resign as Parish Clerk and shared an email from Joe to Rebecca House. This referred pejoratively to Councillors Houghton, Phillips and Walters and referred to her having to "put up with all this rubbish". Once again the tone of the email was unacceptable.

6th June 17:17 – This email **[Email 04]** was part of Joe's continuing effort to get John Phillips's "discriminatory" email onto the Parish Council agenda in face of the SDDC Monitoring Officer's and DALC's advice that it was not a Parish Council matter.

8th June 7:31 **[Email 05]** – This email related to Paul and Joe Cullens' efforts to find out why Phill had met the SDDC Compliance Officer on 5th June and why he had not sought Full Council approval (he did not need it). The meeting (by phone) had actually been about the threat of people coming to the Parish Council Meeting from Liverpool.

Joe's email asked whether he had had a meeting with the Compliance Officer. It said, "A simple Yes or No will suffice, as long as it is an honest, Yes or No, please do not compound your mistake by giving a dishonest answer, or what little integrity/credibility that you now have, will disappear altogether". Phill did not reply for obvious reasons.

11th June 7:31 **[Email 06]** Joe followed the previous email up with one that said, "Seeing as you have not done me the courtesy of a reply to my email below, I would think that councillors will

draw their own conclusions, but not answering my question speaks volumes, but to me personally it says you are a man of no integrity and no credibility, so how can anyone ever trust you again.”

4th June 23:07 **[Email 07]** This email chain has been included to illustrate that Joe had written to John Houghton in a bid to try to exclude Phill from a discussion about the appointment of Claire Allen as the new Administration Officer.

25th October 2019 10.43 **[Email 08]** This email referred to Caroline Blanksby’s election as Chair of the Carnival Committee (which has nothing to do with the Council). The unsuccessful candidate was John Houghton who had been put forward for the same role against his will. It was John’s vote that ensured that Caroline was elected! The email, sent to all councillors (including John Houghton) said (of John) “Once people see through his façade, there was only one winner, the decision was a no brainer, they will always choose champagne over plonk. Now you just have to watch your back”.

19th October 15:28 **[Email 09]** This email is at the end of an email chain about an alleged incident involving Cllrs Ian Walters and Ros Casey outside the Council Meeting Room after a Parish Council meeting on 14th May. Its tone is offensive in particular towards the Monitoring Officer and towards Cllr Walters who already had been cleared by the Monitoring Officer when a complaint had been raised against him.

11th November 15:52 **[Email 10]** This email referred to the Axis 50 Planning Application, the decision to employ a Planning Consultant and the Chair’s Update to parishioners on behalf of the Parish Council. It suggested that the Chair voted against the proposal (he was actually on holiday so could not vote and would not have supported it because it was not legal). It went on, “So, why is he trying to mislead the people of Willington, when everyone who was at the meeting, and there were quite a lot all know, that he is not being honest in his report, just trying to make himself look good, but it does not work like that when people know the truth, Everyone knows the way he voted and those people who were not at the meeting and are interested in Axis 50 have been informed by me and others the way the voting went”. He later added, “And for blatantly misleading the people of Willington I believe that he should resign”.

As a result of the abusive, harassing and vexatious nature of the emails Phill no longer replied to any of Joe’s emails.

7.3 FURTHER EMAILS

Since speaking to Phill Allsopp I have received copies of other allegedly harassing, abusive and vexatious emails from Joe Cullen which Phill wished me to include in the Complaint. However, I did not speak to him about those emails **[Emails 11 – 14]** which are included in Annex 2.

8 EVALUATION OF EVIDENCE AND CONCLUSION

The last step, therefore, is to consider whether, ***based on the balance of probabilities and the evidence that I have available to me***, there were any breaches of the Willington Parish Council Code of Conduct by Councillor Joe Cullen in respect of Complaint LAC/78.

8.1 Evaluation of the emails

Since Joe Cullen declined the opportunity to speak to me I in turn was denied the opportunity to understand what he was thinking when he sent the emails that are contained in Annex 2. Fortunately, however, the emails seem to speak for themselves.

It appears to me that, in considering the Complaint, there is limited value in reflecting upon the subject matter of the emails. I think it a distraction and ultimately fruitless, for example, to consider whether the Chair is “a good Chair”, whether he is permitted to serve on the Staffing Committee or whether he is in some way “dishonest”. The allegation is that the emails were “harassing, abusive and vexatious” and that, rather than the subject matter of the emails, must be my focus. In answering that I must reflect on whether the tone and style adopted by Joe when he sent those emails was appropriate for a Willington Parish Councillor when corresponding with the Chair of the Parish Council or, indeed, with any fellow Parish Councillor. Was it appropriate, too, to copy the emails into all other members of the Parish Council?

Email 01 was sent by Joe Cullen on 24th May. It was sent in the midst of the “Megabus email” affair (detailed in two other investigations but not in this report) ten days after Phill Allsopp had been elected Chair of the Parish Council. It was copied to members of the Council. Its tone appears impolite, terse, disrespectful, and challenging. It implies that Phill is “making it up as [he] goes along”, suggests he condones the “racist discriminatory comments” made by Cllr John Phillips and seeks to “bring [him] back to earth and remind him that, as Chair, he has no executive powers and does not have “Super Councillor” status. There are no niceties, it is simply signed Cllr J Cullen.

Email 02 was sent by Joe to Phill on 28th May, copying in members of the Council. Its first sentence reads “Could you please cc everyone into future emails as this is not a secret society and what we are discussing is not sensitive information”. It then poses nine questions including “Did you ask Councillor Phillips to review scum bags and drug dealers emails before sending it?”, “Did you ask Councillor Phillips to review his email calling Councillor P Cullen a Cowardly wimp, before sending it?” and “Did you ask Councillor Walters to review his email to myself calling me a Shit Stirrer before sending it?”. Referring to the recruitment of an Administration Assistant its eighth question reads [sic], “You say you would like some input into the recruitment process, this is not going to happen because as you say, you misunderstood, that **you are NOT a member of the staffing committee.** The tone and style of the email appear to me to be rude, impolite, disrespectful, angry, defiant, challenging and hectoring. Once again there are no niceties. An earlier email in the same email chain dated 23rd May at 14:57 includes the sentence, “Did you contact Councillor Phillips and ask him to review his emails before he sent them, or did you agree with his email, I would be interested to hear you opinion on that email, but seeing as you are one of the clique, I do not think that you wish to share it”.

Joe sent **Email 03** on 5th June at 8:11. It is part of an email chain about the then Clerk, Beckie House, who had received what she saw as a threatening email in the wake of the “Megabus email”. As Phill said when I spoke to him it refers pejoratively to other councillors and poses the question, “Also could Councillor Houghton confirm or deny showing the resignation email to Councillor Allsopp on his mobile at the RAC last night I actually seen you show him a message on

your mobile, if this Parish Council is going to work then now is the time to start being honest". The email is copied to councillors.

Email 04 was sent to Phill copying in councillors on 6th June at 17:17. It continues on the previous themes of the Clerk's resignation and John Phillips's "vile and discriminatory remarks" which, Joe insists, need to be discussed by the Council and "publicly condemned". This had already been deemed to be a "private matter". The same subject was still on Joe's mind when he sent Email 14 some nine months later. It again refers to "the clique". Its tone appears challenging and rude though it does begin with "Hi".

Email 05 dated 8th June at 07:30 is a short email. It is at the end of a chain challenging Phill on his decision to contact SDDC over his concerns that visitors from Liverpool might attend the impending Parish Council meeting (which Paul Cullen had insisted he ought not to have done without first consulting the Full Council). Its final sentence reads "A simple Yes or No will suffice, as long as it is honest, Yes or No, please do not compound your mistake by giving a dishonest answer, or what little integrity/credibility that you have now, will disappear altogether". The tone and style speak for themselves.

Email 06 was sent on 11th June at 07:30, 12 hours before the Parish Council meeting. It is a short follow-up to Email 05 and, like Email 05, is copied into all councillors. Perhaps understandably, Phill had not answered the earlier email which, Joe says, "to me personally says you are a man of no integrity and no credibility so how can anyone trust you again. See you tonight". It appears to me that Emails 05 and 06 together represent a significant escalation in Joe's remarks against Phill.

Email 07, sent by John Houghton, Vice Chair, to Joe Cullen on 4th June at 23:07, is at the end of another email chain which was copied to Phill by John. An email earlier in the chain sent by Joe to John and copied to Ros Casey was seen by Phill as an effort on Joe's part to exclude him from playing a part in the recruitment of an Admin Assistant. It explicitly tells (sic) John Houghton "do not include Cllr Allsopp into the emails either CC or BCC, as it will all come out in the wash if you do". Joe later asks who is doing the agenda for the upcoming Parish Council meeting and says "... I don't believe it should be Cllr Allsopp because he makes too many mistakes". Sent less than three weeks after Phill's election as Chair, whilst he is very new in role, this appears to me to be an effort on Joe's part to undermine Phill and drive a wedge between him and John Houghton.

Email 08 sent by Joe on 25th October at 10:43 refers to Caroline Blanksby's appointment as Chair of the Carnival Committee. Once again it copies in other councillors, including the defeated (and apparently unwilling) candidate, John Houghton. It says (of John), "... even better when I heard who your adversary was, once people see through his façade, there was only one winner, the decision was a no brainer, they will always choose champagne over plonk. Now you just have to watch your back". Whilst not directed at Phill this email appears pejorative towards Cllr Houghton.

Email 09 was sent by Joe Cullen on 19th October at 15:28. It is at the end an email chain about an alleged incident involving Cllrs Ian Walters and Ros Casey outside the Council Meeting Room after a Parish Council meeting on 14th May. This alleged incident was referred to by several interviewees when I spoke to them. However, that incident is out of the scope of my work. The

tone of Joe's email appears offensive towards the Monitoring Officer's professional judgement and towards Cllr Ian Walters.

Email 10 was sent by Joe on 11th November at 15:52. It refers to the Axis 50 Planning Application. It accuses him of "misleading the people of Willington", of "not being honest in his report, just trying to make himself look good, but it does not work like that when people know the truth". It ends, "And for blatantly misleading the people of Willington I believe that he should resign". It is sent to all councillors. Once again it paints the picture of the Chair as dishonest and undermines him in his role.

Email 11 was sent on 14th December at 12:01 to Phill alone. Joe says that he has watched a YouTube video (presumably of the 10th December meeting which was brought to an early close by Phill) and that Phill is a "star for all the wrong reasons, not being able to control the meeting and abandoning it, look forward to the next episode". He appears clearly to be mocking Phill. Some months ago, I watched the YouTube video of 10th December meeting. When I returned to watch it again whilst writing the Report I note that it is now unavailable.

Email 12 was sent on 15th December at 08:38. This is an email that follows up the email of the previous day. It describes how Joe went to the pub and shared the video of the meeting with others there. It talks mockingly and sarcastically about Phill's abilities as Chair. It begins "... so we put the video on, after watching it the general consensus was that you could not run a pxxs up in a brewery, but I thought that was harsh on you and I told them that I thought that you could". Joe continues in similar vein, with passing criticism of the Clerk, before ending the email by saying "So, at the end of the day, I could not defend, the indefensible, I had to agree with them, that you were/are totally out of your dept. They are all looking forward to seeing the next meeting". This appears to heap further mockery on the Chair.

Email 13 was sent to the new Clerk, Sabrina Doherty, on 11th February at 10:05 It says, after further passing criticism of the (then) former Locum Clerk, Deb Townsend, "I believe that she wanted to show Cllr P Cullen and myself in a negative way and leave is open to ridicule, for the benefit of the Chairman". It ends "... it will give the Chairman a pulpit to have a pop at whomsoever he chooses, so if this goes ahead I would hope that I am afforded the same opportunity". Sabrina replies robustly later that day and says, "I hope we can [sort this out] amicably as I do not wish for a repeat of what I have seen on previous videos and if that occurs then I shall have no choice but to tender my resignation as I do not wish to be associated with or subjected to such disgraceful behaviour [alluding here to the 19th December Council meeting]". Amongst other remarks it says, "The continued refusal to accept the authority of the Chairman (whatever you may think of him personally) serves only to bring the Council into disrepute and also the office of Councillor and Chairman" and "The position of Chairman is one of authority and to be respected as such since that person for their term of office is the "First Citizen of the parish". It appears to me that, once again, Joe is showing disrespect for the Chair and, in doing so, tries to undermine his standing in the eyes of the new Clerk. Sabrina resigned on 18th February after nine days in post. Her resignation letter is scathing.

Email 14 sent by Joe on 4th March at 08:33 is to Phill alone. It proposes items for 10th March agenda. It contains several proposed items about the conduct of the Chair, again with passing criticism of the Locum Clerk, Deb Townsend, who had returned to Willington following Sabrina

Doherty's short-lived stay. The Chairman, Joe says, had "conspired" to have Joe and Paul Cullen removed from the 19th December meeting, must make "a full and unreserved apology", had "persistently acted beyond his level of responsibility", had behaved "inappropriate[ly]", and "deliberately kept [some councillors] in the dark".

Email 15 was sent to the Parish Clerk by Joe on 26th November at 21:20 and copied into Phill and other councillors. It appears insulting to the Clerk when it says, "I cannot believe that the organisation of the Locum is that bad that 21 hours before the interviews [for Clerk/RFO] we do not know the venue".

Email 16 was sent by Joe on 24th November at 13:35 to the Clerk and copies in all councillors. It is a very long and detailed account of a recent meeting that Joe has had on behalf of the Council with a representative of South Staffs Water and related matters. The basic premise of the email is that for many years the Council has not been paying for water and has openly encouraged a third party (a builder) to steal water. He says, "... it's a fairly good bet that over the years lots of councillors have known and turned a blind eye" and admits that he himself knew about it from March 2015. He suggests that the Council "have been obtaining water illegally for 40/50 years" and is "collectively at fault". He goes on to point the finger in particular at John Houghton (referred to three times in the email simply as "Houghton"). Joe says that, "As the vice chairman of the PC, Cllr Houghton is also Chairman of the Finance Committee and I would suggest his position in both of these rolls now becomes untenable". Joe ends his email by saying, "I also think that anyone involved in this dishonesty, should not hold the office of Vice Chairman, or Chairman of ANY committees".

8.2.2 Was Councillor Cullen in capacity?

Before reaching a conclusion on whether a breach or breaches of the Code took place, I must first establish whether Cllr Joe Cullen was "in capacity" when he sent the emails that have been attributed to him between May 2019 and March 2020. The legal position has been discussed in some detail in Section 3.3 above. Given that the Subject Member was serving as a member of the Parish Council and was on each occasion commenting on Parish Council business **I conclude from the evidence available to me that Joe Cullen was acting in official capacity when he sent the emails.**

8.2.3 Conclusion

I now turn to whether Cllr Joe Cullen breached the Willington Parish Council Code of Conduct.

Phill Allsopp was elected Chair of Willington Parish Council in a democratic, but close (six – five) vote on 14th May 2019. Joe Cullen voted against his election and that of the Vice-Chair, John Houghton.

The Chair's first few weeks in his new role were plagued by fallout from the "Megabus email" (covered in other reports but not here), the heightened emotions surrounding that and Joe's insistence, which seems to continue to this day, that the Parish Council had "agency" to deal with the matter. That insistence continued (and appears to continue) despite the then Clerk's confirmation that the Parish Council had no agency on 3rd June and despite John Phillips's resignation as a councillor on 6th June.

Notwithstanding the democratic vote of the Council to elect Phill Allsopp as Chair, Joe Cullen was already showing antipathy towards him within ten days of his election. It is not possible for me to say to what extent that antipathy was a result of Phill's perceived support for, or refusal to condemn, John Phillips, or for some other reason. But whatever the reason Joe appears to have been persistently opposed to the Chair since then.

Looking in as a reasonable person and a serving Chair I believe that the language, tone, and style adopted by Joe in demonstrating his opposition to Phill was frequently inappropriate. Words that come to mind include impolite, rude, hostile, challenging and disrespectful. In a work context such language would, in my view, be totally unacceptable. Joe appears to be either unaware or not to care about the impression that he is creating when he writes his emails.

Joe does not reserve his disrespectful emails for Phill alone. There are examples of emails that show similar disrespect for John Houghton, the Vice-Chair, and for Ian Walters. He also shows disrespect for the Clerk, Deb Townsend. I note in passing (because several of those I spoke to referred to it) that other clerks - Laura Storey, Justina Nurse and Jacqui Storer had left the Council in fairly quick succession before Rebecca House (and, of course, Sabrina Doherty) did the same. However, their departures and the reasons for them are out of scope of my investigations.

In light of the above I conclude, based on the balance of probabilities and the evidence that I have available to me, that Cllr Joe Cullen breached the Willington Parish Council Code of Conduct in that he did not treat the Chair, the Clerk, and his fellow councillors with courtesy and respect and thus did not "behave in such a way that a reasonable person would regard as respectful". In reaching this conclusion I note that the Code makes no reference to "bringing the Council and the office of Councillor into disrepute" even though I do not doubt that Cllr Cullen's behaviour did exactly that.

I now move, finally, onto whether Cllr Cullen went further than disrespect in his emails to Phill Allsopp and whether he behaved in a way which a reasonable person would regard as "bullying or intimidatory".

I begin by asking "What do "bullying" and "intimidatory" mean?" The Cambridge English Dictionary defines "intimidate" as "to frighten or threaten someone, usually in order to persuade them to do something that you want them to do". It defines "bullying" as the behaviour of a person who hurts or frightens someone smaller or less powerful, often forcing that person to do something they do not want to do".

The Government definition of bullying in the workplace includes the following examples of bullying and harassing behaviour – spreading malicious rumours, unfair treatment, and picking on or regularly undermining someone. The definition tells us that bullying and harassment can happen face-to-face, by letter, by email and by phone.

I choose these "reasonable" definitions by design instead of those of organisations that might be said to be part of the "bullying industry".

In reviewing the emails in Annex 2 I note the regular, persistent, derogatory nature of Joe Cullen's comments about Phill Allsopp, often shared with all councillors. The emails began within ten days of his election in May 2019 (Email 01); they continued into June when Joe described Phill as "a man of no integrity and credibility" and questioned his honesty (Email 06 and 07); they were still

going on in November when, once again, Joe accused Phill of “not being honest” and this time said that he should resign (Email 10); and became particularly nasty on successive days in December (Email 11 and 12). The pressure on Phill was also there in March (Email 14).

The language used – the chosen words include “dishonest”, having “no integrity or credibility”, “totally out of your depth”, and “totally incapable of” controlling Parish meetings (which can be found in the particularly nasty Email 12) – speaks for itself. Not only does the language seem completely unacceptable, its intent appears to be to undermine the confidence of the Chair in an effort to force him to resign. That was certainly what Phill said when he submitted the Complaint. This behaviour appears to fall squarely in line with the definition of bullying and intimidation set out earlier in this Section.

It therefore seems to me, based on the facts and the balance of probability, that some of the emails sent by Joe Cullen might be construed by a reasonable person as bullying and intimidating.

In light of the above I conclude, based on the balance of probabilities and the evidence that I have available to me, that Cllr Cullen behaved in a way that a reasonable person would regard as bullying or intimidatory.

9 RECOMMENDATIONS

On the basis of the conclusions above I make the following recommendations:

- 1. That the breach of the Code of Conduct by Cllr Joe Cullen in regard to the emails considered under Complaint LAC/78 be referred to the South Derbyshire District Council Standards Committee for further action.**
- 2. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that councillors should not exhibit behaviour which “brings the Council or the office of Councillor into disrepute”.**
- 3. That Willington Parish Council agrees to a programme of reconciliation and a review of its working arrangements to try to restore relations within the Council and, further, that any councillor who is unwilling to take part in a programme of reconciliation should consider their position as a councillor.**

ANNEX 1 – DOCUMENTS AND SOURCES

In the course of my investigation I reviewed a variety of source materials. These are listed below.

- (1) “Willington Parish Council Code of Conduct” - accessed on the Parish Council website <https://www.willingtonpc.org.uk/>
- (2) South Derbyshire District Council “Complaint Form” and “Procedure for considering a complaint that a member has breached the Code of Conduct” - accessed on the SDDC website <https://www.southderbyshire.gov.uk/>
- (3) South Derbyshire District Council website <https://www.southderbyshire.gov.uk/>
- (4) Willington Parish Council Minutes 11th June 2019, accessed on Parish Council website
- (5) Gov.uk definition of bullying in the workplace - <https://www.gov.uk/workplace-bullying-andharassment>
- (6) YouTube video of 10th December Parish Council Meeting (now unavailable) <https://www.youtube.com/watch?v=mMDUeSFHM9I>

ANNEX 2 – JOE CULLEN EMAILS

The emails and related chains that are relevant to this Complaint are included in full in the 70 pages that follow this “cover sheet”. **Readers will note that the pages that follow are unnumbered.**

The emails and related chains have been listed below with reference numbers in square brackets e.g. **[Email 1]**. They are referred to in the Report itself using these numbers and are identified in this Annex using the same (handwritten) reference numbers so that readers can be clear which email is being discussed. **When reviewing these emails readers should ignore all handwritten notes and numbers other than the handwritten reference numbers in square brackets.**

All emails were sent by Joe Cullen.

- [Email 1] To Phill Allsopp, 24th May 2019, 11:52
- [Email 2] To Phill Allsopp, 28th May 2019, 08:34
- [Email 3] To All Councillors, 5th June 2019, 08:11
- [Email 4] To Phill Allsopp, 6th June 2019, 17:17
- [Email 5] To Phill Allsopp, 8th June 2019, 07:31
- [Email 6] To Phill Allsopp, 11th June 2019, 07:31
- [Email 7] To Joe Cullen from John Houghton, 4th June 2019, 23:07 in response to Joe’s email to John, 4th June, 16:10
- [Email 8] To Caroline Blanksby, 25th October 2019, 10:43
- [Email 9] To All Councillors, 19th October 2019, 15:28
- [Email 10] To All Councillors, 11th November, 15:52
- [Email 11] To Phill Allsopp, 14th December, 12:01
- [Email 12] To Phill Allsopp, 15th December, 08:38
- [Email 13] To Joe Cullen from Parish Clerk (Sabrina Doherty), 11th February 2020, 16:32
- [Email 14] To Phill Allsopp, 4th March, 08:33
- [Email 15] To Willington Parish Clerk (Deb Townsend), 26th November 2019, 21:20
- [Email 16] To Willington Parish Clerk (Deb Townsend), 24th November 2019, 13:35

[EMAIL 01]

Attachment
4/7

(7)

From: Joe Cullen [redacted]
Subject: FW: FW: FW: Draft Committees and Representations Lists
Date: 24 May 2019 at 11:52:07
To: Phillip Allsopp [redacted]
Cc: <john.houghton@willingtonpc.org.uk>
john.houghton@willingtonpc.org.uk, Councillor John Phillips
john.phillips@willingtonpc.org.uk, CAROLINE
[redacted] <[redacted]>
[redacted] <[redacted]>
[redacted] Ian Walters
ian.walters@willingtonpc.org.uk,
<paul.cullen@willingtonpc.org.uk>
paul.cullen@willingtonpc.org.uk, Andy (old) andy@andymac
willington.co.uk, <claire.carter@willingtonpc.org.uk>
claire.carter@willingtonpc.org.uk

LAC/78

At the Parish Council meeting on Tuesday 14th May, you never put your name forward for the Staffing Committee, if you had of done so I would have objected, as the Chair you cannot be a member of the Staffing Committee as this would be in direct conflict with our own grievance policy in which the Chair acts as arbiter should a member of Staff, [Clerk or Admin assistant], put in a complaint against a councillor, so you should not be involved in any way with the Staffing Committee as long as you are the Chair. Where did the idea that the Chair is automatically on the Staffing Committee come from, has it ever been discussed at Full Parish, or is someone making it up as they go along.

Also was the appointment of Claire Allen agreed by full council, and is it minuted?, I would like to see the minutes. Any contracts for employees will need to be agreed by Full Council, not by the Staffing Committee. No member of the Staffing Committee may purchase any equipment without the approval of the Full Council.

Your interpretation of sensitive information and my interpretation are perhaps not the same, probably very much in the same way as your view of racist discriminatory comments and mine are different. I stand up against them whilst your continued silence suggests you condone them.

I would also add that you appear to believe your recent appointment as Chair of the Parish Council has elevated you to some kind of ' Super Councillor ' status, so can I just take this opportunity to bring you back to earth and remind you the Chair has no executive powers. Cllr J Cullen

[REDACTED]

From: Phillip Allsopp [REDACTED]
Sent: 24 May 2019 08:15
To: Joe Cullen
Subject: Re: FW: Draft Committees and Representations Lists

Good morning,

For clarity the sensitive information was with regards to Beckie completing her probation period and us as a Staffing Committee arranging a meeting with her to formally review her time with us. Also we discussed offering a position to Claire Allen as the Administration assistant.

The Staffing Committee has been set up to agree these matters and then make a proposal to the rest of the elected Parish Council. Beckie is a valued member of our Council and I'm sure that you'll agree with me that she's doing an excellent job, Beckie is an employee of our Council but not an elected member.

Regards

Councillor Allsopp

| On Thu, 23 May 2019 at 14:57, Joe Cullen <[REDACTED]> wrote:

Good Afternoon,

In my email I asked you not to reply, but seeing you have chosen to do so, then I feel I must respond, in your email, you stated and I quote, " For future correspondence can you review the ~~content~~ before forwarding on., it is a pity that Councillor Phillips never reviewed his email before sending it, you know the one I mean, calling "councillors scumbags and drug dealers and sending them back to Liverpool".

Did you contact Councillor Phillips and ask him to review his emails before he sent them, or did you agree with his email, I would be interested to hear you opinion on that email, but seeing as you are one of the clique, I do not think that you wish to share it.

Also can you quantify what the sensitive information is that is in my email, as far as I am concerned, no information is sensitive from any other parish councillor, as any decisions made have to go to the full parish council and I will make sure that they have all of the facts. Councillor J Cullen

From: Phillip Allsopp [mailto:~~XXXXXXXXXXXXXXXXXXXX@XXXXXX~~]
Sent: 23 May 2019 08:38
To: Joe Cullen
Subject: Re: FW: Draft Committees and Representations Lists

Councillor Cullen,

Thanks for the swift reply.

Councillor Allsopp

On Thu, 23 May 2019 at 08:06, Joe Cullen <[REDACTED]> wrote:

I sent the email to the clerk and it was no mistake, I asked for information regarding the Staffing Committee, there is no sensitive information in my email, and don't reply to this email.

From: Phillip Allsopp [mailto:[REDACTED]]
Sent: 23 May 2019 07:58
To: Joe Cullen
Subject: Re: FW: Draft Committees and Representations Lists

Morning Councillor J Cullen,

I'm sure that it was a mistake but you forwarded the emails below to Rebecca our Clerk yesterday. These emails were potentially sensitive and information for the Staffing committee. For future correspondence can you review the content before forwarding on.

Thanking you in anticipation

Regards

Councillor Allsopp

On Wed, 22 May 2019 at 10:20, Joe Cullen <[REDACTED]> wrote:

Good Morning Rebecca,

As a member of the Staffing Committee, could I please have a copy of the Staffing Committee policy statement, and the date that it was ratified by the full parish council. Regards Cllr J Cullen

From: Phillip Allsopp [mailto:[REDACTED]]
Sent: 21 May 2019 10:12
To: john.houghton@willingtonpc.org.uk
Cc: [REDACTED]
Subject: Re: FW: Draft Committees and Representations Lists

Morning John,

I think now is the time that we bring Clair Allen onto our payroll as agreed by the full PC. I'm happy to meet with Beckie to review her probation period, is there a relevant form to complete?

With regards to Beckie and Clair, are you arranging them to meet?

Are you going to sort out the new contracts?

Are you going to purchase Office 365?

Regards

[REDACTED]

Phill

[On Mon, 20 May 2019 at 23:12, <john.houghton@willingtonpc.org.uk> wrote:

Phill (as Chair of WPC), Ross and Cllr Joe Cullen,

[REDACTED]

To bring you up to speed on staffing matters, current, what has been actioned already and approved by full PC previously. I realise that Cllr Joe Cullen and Phill will be aware of most of this, but a recap will assist Ross.

The staffing committee (of 3) was formed due to the legalities and sensitive nature of employment law and that confidential employee matters should be dealt with by a dedicated group and not public consumption. This also includes other Councillors on a need to know basis only.

Justina (prior Clerk) finished in August 2018.

Jacqui came on as our locum clerk in September 2018.

The staffing committee put adverts out via DALC, SALC for experienced permanent Clerks.

We received some experienced/qualified applicants which were brought forward for interview in October.

2 members of the committee and the chair interviewed 4 candidates and offered a position to a qualified Clerk.

However, this person went incommunicado and never replied to the offer letter.

Rather than fishing in the same pool, it was decided to look elsewhere, and ideally local, to develop our own Clerk. In November/December adverts were placed on Indeed/ Facebook etc targeting local people with transferable experience.

A large number of applications were received and we shortlisted and telephone screened 5 candidates who were local and had relevant experience. I replied directly to candidates who were unsuitable but it appears that the candidates who were on a secondary potential list were not contacted.

2 members of the staffing committee, and the chair, interviewed the candidates and we felt we had 2 really strong candidates, with 1 just taking the lead due to relevant transferrable skills.

The proposal was made to full Council that we offer the trainee Clerk position to Beckie

House and that Jacqui would assist with training her to be full qualified Clerk in due course.

It was also proposed and agreed that we should develop an admin position to assist the Clerk with workload, the village with neighbourhood development plans etc.

It also helped to de-risk the dependency on 1 Clerk if we had a qualified understudy.

It was therefore proposed and accepted that the 2nd candidate, Clair Allen, would be offered the admin role, but with the plan to train to qualified Clerk status. However, the starting date for this would be delayed until Beckie was trained and we were no longer dependent upon our locum Clerk. Paying for 3 clerks at the same time would be a unnecessary expense.

As we now know, Jacqui is finishing as locum and Rebecca is taking on the Clerk and RFO (responsible financial officer) duties. Her workload is already starting to build, so now is the point to look at bringing the understudy on board.

I have kept in contact with Clair Allen and she is keen to start asap.

Beckie is keen to bring her onboard asap as well.

So, if we are in agreement, now is the time to move forward with part 2 of the approved plan and organise a meeting with Beckie and Clair. We will then need to organise an employment contract and work out job descriptions for the 2 roles. I would expect the 2

of them to have a major part in this planning.

Other personnel matters:

1. Beckie needs to be signed off her probationary period (due now). This involves improved pay terms and other factors. It should normally include a review of performance and any concerns Beckie may have. This doesn't need to involve everyone, it could be just the Chair that does it or I can arrange to meet her to complete it myself.
2. As previously approved by full PC, Beckie needed a WPC laptop. We approved £750 but after liaising with Beckie on her needs and with a bit of research I got a very good one (that she is very happy with) off eBay for £399. I have bought this and will be submitting the expense claim.
3. Again, as previously agreed, Beckie will need an Office software package. I have researched and propose Office 365 multi-licence which will allow Beckie, Clair and 3 other people (Councillors who may need or NDP etc)

Any other comments, queries or proposals appreciated.

Regards

John

From: The Clerk <clerk@willingtonpc.org.uk>

Sent: 15 May 2019 20:26

To: tim.bartram@willingtonpc.org.uk; caroline.blankshy@willingtonpc.org.uk; rosslyn.carey@willingtonpc.org.uk; claire.carter@willingtonpc.org.uk; Paul Cullen <paul.cullen@willingtonpc.org.uk>; Joseph Cullen <joseph.cullen@willingtonpc.org.uk>; Phillip Allsopp <phillip.allsopp@willingtonpc.org.uk>; John Phillips <john.phillips@willingtonpc.org.uk>; Ian Walters <ian.walters@willingtonpc.org.uk>; John Houghton <john.houghton@willingtonpc.org.uk>; Andy Mac <andy.macpherson@willingtonpc.org.uk>

Subject: Draft Committees and Representations Lists

Dear Councillor,

many thanks in advance for your support in checking over the attached document. Please consider the following:

- I have not allocated Chair or Vice-Chair on these lists as some changes may occur
- I have highlighted two sections that require your attention - we will need to circle back around to these allocations during the meeting in June.

If you identify any mistakes, please let me know as quickly as possible.

[Redacted]

[Redacted]

Best Regards
Beckie

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[EMAIL 02]

8

From: Joe Cullen [redacted]
Subject: FW: The Chair is not a member of the staffing committee
Date: 28 May 2019 at 08:34:11
To: Phillip Allsopp [redacted]
Cc: <john.houghton@willingtonpc.org.uk>
john.houghton@willingtonpc.org.uk, Ian Walters
ian.walters@willingtonpc.org.uk, Councillor John Phillips
john.phillips@willingtonpc.org.uk,
<claire.carter@willingtonpc.org.uk>
claire.carter@willingtonpc.org.uk, CAROLINE
[redacted] <[redacted]@tiscali.co.uk>
[redacted]
[redacted] <paul.cullen@willingtonpc.org.uk>
paul.cullen@willingtonpc.org.uk, Andy (old) andy@andymac-
willington.co.uk

Could you please cc everyone into future emails as this is not a secret society and what we are discussing is not sensitive information.

This is the last email from Councillor Allsopp he did not answer any of my questions.

1. Where did the idea that the Chair is automatically on the Staffing Committee come from?
2. Was the appointment of Claire Allen agreed by full council?
3. And is it minuted?, I would like to see the minutes.
4. Do you condone the racist discriminatory comments, scum bags and drug dealers made by Councillor Phillips?
5. Did you ask Councillor Phillips to review scum bags and drug dealers email before sending it?
6. Did you ask Councillor Phillips to review his email calling Councillor P Cullen a Cowardly wimp, before sending it?
7. Did you ask Councillor Walters to review his email to myself calling me a Shit Stirrer before sending it?
8. You say you would like some input into the recruitment process, this is not going to happen because as you say, you misunderstood, that you are NOT a member of the staffing committee
9. You say as far as I am aware, which suggests to me that you do not know, so I suggest that you contact the Clerk yourself and ask for a copy of the previous minutes, and let me know what the correct answer is. Cllr J Cullen

From: Phillip Allsopp [redacted]
Sent: 24 May 2019 16:24
To: Joe Cullen
Subject: Re: FW: FW: FW: Draft Committees and Representations Lists

Good Afternoon,

I apologise for the misunderstanding, I'm not a member of the Staffing Committee but

as The Chairman I would like some input to the recruitment process.

As far as I'm aware the appointment of an Administration Clerk was discussed at the full PC. I don't have access to previous minutes so I suggest that you contact Beckie who should be able to help.

Councillor Allsopp

[On Fri, 24 May 2019 at 11:52, Joe Cullen <[REDACTED]> wrote:

[REDACTED]

At the Parish Council meeting on Tuesday 14th May, you never put your name forward for the Staffing Committee, if you had of done so I would have objected, as the Chair you cannot be a member of the Staffing Committee as this would be in direct conflict with our own grievance policy in which the Chair acts as arbiter should a member of Staff, [Clerk or Admin assistant], put in a complaint against a councillor, so you should not be involved in any way with the Staffing Committee as long as you are the Chair. Where did the idea that the Chair is automatically on the Staffing Committee come from, has it ever been discussed at Full Parish, or is someone making it up as they go along.

Also was the appointment of Claire Allen agreed by full council, and is it minuted?, I would like to see the minutes. Any contracts for employees will need to be agreed by Full Council, not by the Staffing Committee. No member of the Staffing Committee may purchase any equipment without the approval of the Full Council.

Your interpretation of sensitive information and my interpretation are perhaps not the same, probably very much in the same way as your view of racist discriminatory comments and mine are different. I stand up against them whilst your continued

silence suggests you condone them.

I would also add that you appear to believe your recent appointment as Chair of the Parish Council has elevated you to some kind of ' Super Councillor' status, so can I just take this opportunity to bring you back to earth and remind you the Chair has no executive powers. Cllr J Cullen

From: Phillip Allsopp [mailto: [REDACTED]]
Sent: 24 May 2019 08:15
To: Joe Cullen
Subject: Re: FW: Draft Committees and Representations Lists

Good morning,

For clarity the sensitive information was with regards to Beckie completing her probation period and us as a Staffing Committee arranging a meeting with her to formally review her time with us. Also we discussed offering a position to Claire Allen as the Administration assistant.

The Staffing Committee has been set up to agree these matters and then make a proposal to the rest of the elected Parish Council. Beckie is a valued member of our Council and I'm sure that you'll agree with me that she's doing an excellent job, Beckie is an employee of our Council but not an elected member.

Regards

Councillor Allsopp

[On Thu, 23 May 2019 at 14:57, Joe Cullen <[REDACTED]> wrote:

Good Afternoon,

In my email I asked you not to reply, but seeing you have chosen to do so, then I feel I must respond, in your email, you stated and I quote, " For future correspondence can you review the content before forwarding on.. it is a pity that Councillor Phillips never reviewed his email before sending it, you know the one I mean, calling "councillors scumbags and drug dealers and sending them back to Liverpool" . [REDACTED]

Did you contact Councillor Phillips and ask him to review his emails before he sent them, or did you agree with his email, I would be interested to hear you opinion on that email, but seeing as you are one of the clique, I do not think that you wish to share it.

Also can you quantify what the sensitive information is that is in my email, as far as I am concerned, no information is sensitive from any other parish councillor, as any decisions made have to go to the full parish council and I will make sure that they have all of the facts. Councillor J Cullen

From: Phillip Allsopp [mailto: [REDACTED]]
Sent: 23 May 2019 08:38
To: Joe Cullen
Subject: Re: FW: Draft Committees and Representations Lists

Councillor Cullen [REDACTED]

Thanks for the swift reply.

Councillor Allsopp

[On Thu, 23 May 2019 at 08:06, Joe Cullen < [REDACTED] > wrote:

I sent the email to the clerk and it was no mistake, I asked for information regarding the Staffing Committee, there is no sensitive information in my email, and don't reply to this email.

From: Phillip Allsopp [mailto: [REDACTED]]
Sent: 23 May 2019 07:58
To: Joe Cullen

by the full parish council. Regards Cllr J Cullen

From: Phillip Allsopp [mailto: [REDACTED]]
Sent: 21 May 2019 10:12
To: john.houghton@willingtonpc.org.uk
Cc: [REDACTED]
Subject: Re: FW: Draft Committees and Representations Lists

Morning John,

I think now is the time that we bring Clair Allen onto our payroll as agreed by the full PC. I'm happy to meet with Beckie to review her probation period, is there a relevant form to complete?

With regards to Beckie and Clair, are you arranging them to meet?

Are you going to sort out the new contracts?

Are you going to purchase Office 365?

[REDACTED]
Regards

Phill

Subject: Re: FW: Draft Committees and Representations Lists

Morning Councillor J Cullen,

I'm sure that it was a mistake but you forwarded the emails below to Rebecca our Clerk yesterday. These emails were potentially sensitive and information for the Staffing committee. For future correspondence can you review the content before forwarding on.

Thanking you in anticipation

Regards

Councillor Alisopp

| On Wed, 22 May 2019 at 10:20, Joe Cullen <[REDACTED]> wrote:

Good Morning Rebecca,

As a member of the Staffing Committee, could I please have a copy of the Staffing Committee policy statement, and the date that it was ratified

[On Mon, 20 May 2019 at 23:12, <john.houghton@willingtonpc.org.uk> wrote

Phill (as Chair of WPC), Ross and Cllr Joe Cullen,

To bring you up to speed on staffing matters, current, what has been actioned already and approved by full PC previously. I realise that Cllr Joe Cullen and Phill will be aware of most of this, but a recap will assist Ross.

The staffing committee (of 3) was formed due to the legalities and sensitive nature of employment law and that confidential employee matters should be dealt with by a dedicated group and not public consumption. This also includes other Councillors on a need to know basis only.

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We received some experienced/qualified applicants which were brought forward for interview in October.

2 members of the committee and the chair interviewed 4 candidates and offered a position to a qualified Clerk.

However, this person went incommunicado and never replied to the offer letter.

Rather than fishing in the same pool, it was decided to look elsewhere, and ideally local, to develop our own Clerk. In November/December adverts were placed on Indeed/Facebook etc targeting local people with transferable experience.

A large number of applications were received and we shortlisted and telephone screened 5 candidates who were local and had relevant experience. I replied directly to candidates who were unsuitable but it appears that the candidates who were on a secondary potential list were not contacted.

2 members of the staffing committee, and the chair, interviewed the candidates and we felt we had 2 really strong candidates, with 1 just taking the lead due to relevant transferrable skills.

The proposal was made to full Council that we offer the trainee Clerk position to Beckie House and that Jacqui would assist with training her to be full qualified

Clerk in due course.

It was also proposed and agreed that we should develop an admin position to assist the Clerk with workload, the village with neighbourhood development plans etc.

It also helped to de-risk the dependency on 1 Clerk if we had a qualified understudy.

It was therefore proposed and accepted that the 2nd candidate, Clair Allen, would be offered the admin role, but with the plan to train to qualified Clerk status. However, the starting date for this would be delayed until Beckie was trained and we were no longer dependent upon our locum Clerk. Paying for 3 clerks at the same time would be a unnecessary expense.

As we now know, Jacqui is finishing as locum and Rebecca is taking on the Clerk and RFO (responsible financial officer) duties. Her workload is already starting to build, so now is the point to look at bringing the understudy on board.

I have kept in contact with Clair Allen and she is keen to start asap.

Beckie is keen to bring her onboard asap as well.

So, if we are in agreement, now is the time to move forward with part 2 of the approved plan and organise a meeting with Beckie and Clair. We will then need to organise an employment contract and work out job descriptions for the 2 roles. I would expect the 2 of them to have a major part in this planning.

Other personnel matters:

1. Beckie needs to be signed off her probationary period (due now). This involves improved pay terms and other factors. It should normally include a review of performance and any concerns Beckie may have. This doesn't need to involve everyone, it could be just the Chair that does it or I can arrange to meet her to complete it myself.
2. As previously approved by full PC, Beckie needed a WPC laptop. We approved £750 but after liaising with Beckie on her needs and with a bit of research I got a very good one (that she is very happy with) off eBay for £399. I have bought this and will be submitting the expense claim.
3. Again, as previously agreed, Beckie will need an Office software package. I have researched and propose Office 365 multi-licence which will allow Beckie, Clair and 3 other people (Councillors who may need or NDP etc)

Any other comments, queries or proposals appreciated.

Regards

John

From: The Clerk <clerk@willingtonpc.org.uk>
Sent: 15 May 2019 20:26
To: tim.bartram@willingtonpc.org.uk; caroline.blanksby@willingtonpc.org.uk;
rosslyn.casey@willingtonpc.org.uk; claire.carter@willingtonpc.org.uk; Paul Cullen
<Paul.Cullen@willingtonpc.org.uk>; Joseph Cullen <Joseph.Cullen@willingtonpc.org.uk>; Phillip Allsopp
<Phillip.Allsopp@willingtonpc.org.uk>; John Phillips
<john.phillips@willingtonpc.org.uk>; Ian Walters
<ian.walters@willingtonpc.org.uk>; John Houghton
<john.houghton@willingtonpc.org.uk>; Andy Mac
<andy.macpherson@willingtonpc.org.uk>
Subject: Draft Committees and Representations Lists

Dear Councillor,

many thanks in advance for your support in checking over the attached document. Please consider the following:

- I have not allocated Chair or Vice-Chair on these lists as some changes may occur
- I have highlighted two sections that require your attention - we will need to circle back around to these allocations during the meeting in June.

If you identify any mistakes, please let me know as quickly as possible.

Best Regards
Beckie

[EMAIL 03]

9

From: Joe Cullen [mailto: [REDACTED]]
Subject: FW: Immediate resignation
Date: 5 Jun 2019 at 08:11:32
To: CAROLINE [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
paul.cullen@willingtonpc.org.uk,
<john.houghton@willingtonpc.org.uk>
john.houghton@willingtonpc.org.uk,
<ian.walters@willingtonpc.org.uk>
ian.walters@willingtonpc.org.uk, <andy@andymac-
willington.co.uk> andy@andymac-willington.co.uk,
<claire.carter@willingtonpc.org.uk>
claire.carter@willingtonpc.org.uk, Phillip Allsopp
[REDACTED]

This email is for information only

From: Joe Cullen [mailto: [REDACTED]]
Sent: 04 June 2019 13:38
To: [REDACTED]
Subject: FW: Immediate resignation

When are all councillors going to know that the Clerk has resigned, just a simple email to say that Rebecca has resigned nothing more needed at this point, who is going to have access to the Clerks email account, I suggest that Councillor Casey should be the one who has access to it.

Also could Councillor Houghton confirm or deny showing the resignation email to Councillor Allsopp on his mobile at the RAC last night I actually seen you show him a message on your mobile, if this Parish Council is going to work then now is the time to start being honest. Cllr J Cullen

From: Joe Cullen [mailto: [REDACTED]]
Sent: 04 June 2019 10:57
To: 'Parish Clerk'
Subject: RE: Immediate resignation

Good Morning Rebecca,

I am sorry you have made such a decision, I would hope that after you have slept on it you will change your mind, as I have stated all along you are trying to learn a trade, and you have to put up with all this rubbish, if you pack in then they have won, and if we let them win, then anarchy will prevail.

Below is a paragraph from my complaint to the Monitoring Officer, please read it, it is self explanatory, and then I urge you to reconsider your position.

This email is a personal email between you and I so please do not share it with anyone I fully

support you in whatever decision you come to, but I hope it is the right one. Best Regards Joe Cullen

Finally the 2 people I feel most sorry for in this episode are Rebecca House, a young woman who is starting out on a career as a parish clerk, and she ends up with all this rubbish, and the other person who I feel sorry for is my wife, she pleaded with me not to stand for re-election, because in her words she said you know Houghton, Phillips and Walters don't like you, it will just be the same old aggravation all over again, so why do you want to go through with it all again, and my answer was, if I don't stand for re-election then they have won.

From: Parish Clerk [mailto:clerk@willingtonpc.org.uk]
Sent: 03 June 2019 19:29
To: john.houghton@willingtonpc.org.uk; [redacted]; rosslyn.casey@willingtonpc.org.uk
Subject: Immediate resignation [redacted]

Dear all,

It is with great sadness I offer my immediate resignation from the parish council.

The below email is the reason.

I have worked for 20 years in positions of responsibility and have never been made to feel so threatened or intimidated.

I will not be continuing to work with the parish with immediate effect. I will hand over all laptops etc with immediate effect.

Please be aware that the accounts internal audit will take place on 6th June with Brian Wood,

[REDACTED]

who you will need to contact – after this the AGAR will need submitting by 1st July, and all parish accounts will need to be posted by 10th July for the public scrutiny.

I will submit my expenses – but someone else will have to do the agenda.

Apologies, but this is totally unacceptable. I will be sending this and any subsequent threatening email directly to the police.

Beckie

The Clerk at Willington Parish Council

From: [REDACTED]
Sent: 03 June 2019 19:17
To: clerk@willingtonpc.org.uk
Subject: Scum bag John Phillips

A parish councillor in Derbyshire sent a shocking email to his Liverpool-born colleague telling him that a bus would be taking 'all sorts of scum bags and drug dealers back to Liverpool.'

The email was sent by Councillor John Philips, who sits on the parish council of Willington - a village in South Derbyshire. [REDACTED]

In an email, seen by the ECHO, Cllr Philips wrote: "Hi Paul, I've had a call from the Mega Bus, they're happy to take all sorts of scum bags and drug dealers back to Liverpool tomorrow - if you know any please let them know, I'll pay - this is a public service broadcast."

Well he let us all know now sack him or face what this city can do when you piss us off xx

[EMAIL 04]

9a

From: Joe Cullen [redacted]
 Subject: RE: Agenda June PC Meeting
 Date: 6 Jun 2019 at 17:17:26
 To: P Allsopp [redacted]
 Cc: <paul.cullen@willingtonpc.org.uk>
 paul.cullen@willingtonpc.org.uk, [redacted]
 [redacted], CAROLINE [redacted]
 [redacted]
 <John.Houghton@willingtonpc.org.uk
 John.Houghton@willingtonpc.org.uk, Andy (old)
 andy@andymac-willington.co.uk, Claire Carter
 claire.carter@willingtonpc.org.uk, Ian Walters
 ian.walters@willingtonpc.org.uk

1. Discriminatory email by Cllr Phillips [none exempt] Cllr J Cullen

Hi,
 I asked for the above item to be put on the agenda, but cannot see it,
 Because J Phillips has resigned matters not, I still want the item to be discussed at the meeting, I
 need to ask questions, as to why nobody publicly condemned him for his vile and discriminatory
 remarks, if he had been challenged for his remarks by shall we call it the clique, then maybe, no
 not maybe we would still have a clerk today, as I have stated previously, the person I feel sorry
 for is Rebecca.
 Questions need to be asked, and I want to ask them, why did Cllr Houghton, state this is not a
 pissing contest in reply to Cllr P Cullen's email, yet never commented on the scumbags and drug
 dealers email, also when I asked for thoughts, I had an immediate reply from Cllr Walters, who is
 a great friend of Cllr Phillips, calling me a shit stirrer , I want to ask him why he thought I was a
 shit stirrer, when all my request was for, your thoughts on the scumbags and drug dealers email.
 These questions need answering. Cllr J Cullen

From: P Allsopp [mailto:[redacted]]
 Sent: 06 June 2019 10:42
 To: tim.bartram@willingtonpc.org.uk; 'Claire Carter'; john.houghton; Cllr Walters; andy@andymac-willington.co.uk; andrew.mcpherson@south-derbys.gov.uk; Cllr Cullen; 'Joe (old)'; 'Ros Casey'; 'Caroline Blanksby'
 Subject: Agenda June PC Meeting

Dear Councillors,

Attached is the Agenda for the June PC meeting plus the draft minutes from last months meeting.
 As you're aware unfortunately our Clerk resigned this week. I've attached a document of our
 options for continuing until a new Clerk is appointed. DALC have a Locum Clerk available
 should we decide that option.

Regards

Phillip Allsopp

[EMAIL 05]

96

From: Joe Cullen [REDACTED]
Subject: RE: Compliance Officer Meeting
Date: 8 Jun 2019 at 07:31:19
To: P Allsopp [REDACTED]
Cc: <paul.cullen@willingtonpc.org.uk>
paul.cullen@willingtonpc.org.uk, Ros Casey
rosslyn.casey@willingtonpc.org.uk, Caroline Blanksby
caroline.blanksby@willingtonpc.org.uk, John Houghton
john.houghton@willingtonpc.org.uk, Claire Carter
claire.carter@willingtonpc.org.uk, Ian Walters
ian.walters@willingtonpc.org.uk, Andy (old) andy@andyimac:
willington.co.uk, <tim.bartram@willingtonpc.org.uk>
tim.bartram@willingtonpc.org.uk, <[REDACTED]>
[REDACTED] CAROLINE [REDACTED]

Cllr Allsopp,

I'll make this very easy for you, will you confirm or deny that you had a meeting with the Compliance Officer at Swad this week.

A simple Yes or No will suffice, as long as it is an honest Yes or No, please do not compound your mistake by giving a dishonest answer, or what little integrity/credibility that you have now, will disappear altogether. Cllr J Cullen

-----Original Message-----

From: tim.bartram@willingtonpc.org.uk
[mailto:tim.bartram@willingtonpc.org.uk]
Sent: 08 June 2019 01:34
To: paul.cullen@willingtonpc.org.uk
Cc: paul.cullen@willingtonpc.org.uk; P Allsopp; Joe (old); Ros Casey; Caroline Blanksby; John Houghton; Claire Carter; Ian Walters; Andy (old)
Subject: RE: Compliance Officer Meeting

Hi All

I didn't know, but being new onto the Council I do feel that truth and honesty should be at the core of everything we do.

This I feel, is the very least the people of Willington can hope to get from us.

Thanks

Tim.

~~-----Original Message-----~~

From: "paul.cullen@willingtonpc.org.uk" <paul.cullen@willingtonpc.org.uk>

Sent: Fri, 7 Jun, 2019 at 5:12 pm

To: "paul.cullen@willingtonpc.org.uk" <paul.cullen@willingtonpc.org.uk>

Cc: "paul.cullen@willingtonpc.org.uk" <paul.cullen@willingtonpc.org.uk>, "P
Allsopp" <[REDACTED]>, "Joe (old)" <[REDACTED]>

"Ros Casey" <rosslyn.casey@willingtonpc.org.uk>, "Caroline Blanksby"
<caroline.blanksby@willingtonpc.org.uk>, "John Houghton"

<john.houghton@willingtonpc.org.uk>, "Claire Carter"

<claire.carter@willingtonpc.org.uk>, "Ian Walters"

<ian.walters@willingtonpc.org.uk>, "Andy (old)" <andy@andymac-
willington.co.uk>

Subject: RE: Compliance Officer Meeting

Hi All

Apologies, I forgot to ask. Did anyone else know about this meeting?

Regards

Paul

-----Original Message-----

From: "paul.cullen@willingtonpc.org.uk"

Sent: Friday, 7 June, 2019 4:40pm

To: "P Allsopp"

Cc: "Paul Cullen"

, "Joe (old)" , "Tim Bartram" , "Ros Casey" , "Caroline Blanksby" , "John Houghton" , "Claire Carter" , "Ian Walters" , "Andy (old)"

Subject: Compliance Officer Meeting

Phil

Could you just clarify the purpose and outcome of your meeting with SDDC's Compliance Officer on Wednesday of this week and why you attended this meeting without seeking the approval of the Full Council?

Regards

Paul

[EMAIL 06]

10

From: Joe Cullen [mailto: [REDACTED]]
Subject: RE: Compliance Officer Meeting
Date: 11 Jun 2019 at 07:31:47
To: P Allsopp [mailto: [REDACTED]]
Cc: <paul.cullen@willingtonpc.org.uk>
paul.cullen@willingtonpc.org.uk, Ros Casey
rosslyn.casey@willingtonpc.org.uk, Caroline Blanksby
caroline.blanksby@willingtonpc.org.uk, John Houghton
john.houghton@willingtonpc.org.uk, Claire Carter
claire.carter@willingtonpc.org.uk, Ian Walters
ian.walters@willingtonpc.org.uk, Andy (old) andy@andymac
willington.co.uk, <tim.bartram@willingtonpc.org.uk>
tim.bartram@willingtonpc.org.uk, [REDACTED] [mailto: [REDACTED]]
[REDACTED] [mailto: [REDACTED]] CAROLINE [REDACTED] [mailto: [REDACTED]] Joe
Cullen [mailto: [REDACTED]] [mailto: [REDACTED]]
[REDACTED] [mailto: [REDACTED]]

Cllr Allsopp,

Seeing as you have not done me the courtesy of a reply to my email below, I would think that councillors will draw their own conclusions, but not answering my question, speaks volumes, but to me personally it says you are a man of no integrity and no credibility, so how can anyone ever trust you again. See you tonight. Cllr J Cullen

-----Original Message-----

From: Joe Cullen [mailto: [REDACTED]]
Sent: 08 June 2019 07:31
To: 'P Allsopp'
Cc: 'paul.cullen@willingtonpc.org.uk'; 'Ros Casey'; 'Caroline Blanksby'; 'John Houghton'; 'Claire Carter'; 'Ian Walters'; 'Andy (old)';
'tim.bartram@willingtonpc.org.uk'; [REDACTED]; CAROLINE
[REDACTED]
Subject: RE: Compliance Officer Meeting

Cllr Allsopp,

I'll make this very easy for you, will you confirm or deny that you had a meeting with the Compliance Officer at Swad this week.
A simple Yes or No will suffice, as long as it is an honest, Yes or No, please do not compound your mistake by giving a dishonest answer, or what little

integrity/credibility that you have now, will disappear altogether. Cllr J Cullen

-----Original Message-----

From: tim.bartram@willingtonpc.org.uk

[mailto:tim.bartram@willingtonpc.org.uk]

Sent: 08 June 2010 01:34

To: paul.cullen@willingtonpc.org.uk

Cc: paul.cullen@willingtonpc.org.uk; P Allsopp; Joe (old); Ros Casey; Caroline Blanksby; John Houghton; Claire Carter; Ian Walters; Andy (old)

Subject: RE: Compliance Officer Meeting

Hi All

I didn't know, but being new onto the Council I do feel that truth and honesty should be at the core of everything we do.

This I feel, is the very least the people of Willington can hope to get from us.

Thanks

Tim.

-----Original Message-----

From: "paul.cullen@willingtonpc.org.uk"

Sent: Friday, 7 June, 2019 4:40pm

To: "P Allsopp"

Cc: "Paul Cullen"

, "Joe (old)" , "Tim Bartram" , "Ros Casey" , "Caroline Blanksby" , "John Houghton" , "Claire Carter" , "Ian Walters" , "Andy (old)"

Subject: Compliance Officer Meeting

Phil

Could you just clarify the purpose and outcome of your meeting with SDDC's Compliance Officer on Wednesday of this week and why you attended this meeting without seeking the approval of the Full Council?

Regards

Paul

-----Original Message-----

From: "paul.cullen@willingtonpc.org.uk" <paul.cullen@willingtonpc.org.uk>

Sent: Fri, 7 Jun, 2019 at 5:12 pm

To: "paul.cullen@willingtonpc.org.uk" <paul.cullen@willingtonpc.org.uk>

Cc: "paul.cullen@willingtonpc.org.uk" <paul.cullen@willingtonpc.org.uk>, "P Allsopp" <[REDACTED]>, "Joe (old)" <[REDACTED]>, "Ros Casey" <rosslyn.casey@willingtonpc.org.uk>, "Caroline Blanksby" <caroline.blanksby@willingtonpc.org.uk>, "John Houghton" <john.houghton@willingtonpc.org.uk>, "Claire Carter" <claire.carter@willingtonpc.org.uk>, "Ian Walters" <ian.walters@willingtonpc.org.uk>, "Andy (old)" <andy@andymac-willington.co.uk>

Subject: RE: Compliance Officer Meeting

Hi All

Apologies, I forgot to ask. Did anyone else know about this meeting?

Regards

Paul

[EMAIL 07]

11

From: <john.houghton@willingtonpc.org.uk>
john.houghton@willingtonpc.org.uk
Subject: RE: Immediate resignation
Date: 4 Jun 2019 at 23:07:54
To: Joe Cullen [REDACTED] Phillip Allsopp
[REDACTED]
Cc: [REDACTED]
<rosslyn.casey@willingtonpc.org.uk>
rosslyn.casey@willingtonpc.org.uk

Cllr J Cullen, Ros and Phill (as Chair of WPC),

Thank you for your input today Cllr Cullen, firstly I would like to thank you for your comment below about working together for the benefit of the village. I was not aware that "we do not get on", but I can assure you that I will join you in acting in the best interest of the Village.

You will notice that I have copied our Chair, Phill Allsopp, into this email. I have given this a lot of thought but I believe I should be following the correct policy.

I refer to my prior email regarding the plan to start Claire Allen, why I copied the Chair in, how you agreed that the staffing committee didn't have executive powers to recruit and how the chair is the only person who can sign employment contracts etc. You also believe that all communication should be shared with full openness and honesty for all, which is a little contradictory to your request.

It is for those very same reasons why I can 100% confirm that I showed the Chair the email resignation during the RAC meeting. The Chair is ultimately responsible and the staffing committee is there to assist with support functions. I have attached a copy of our approved Staff Committee Terms of Reference which clearly lists our rather limited range of responsibilities and authority.

I do hope that despite this minor disagreement on protocol, we can continue to work together in the best interest of the Village.

With regards to the point below regarding Claire Allen, I agree with you that this is not the time to be bringing in an admin assistant without a trained Clerk in place. There is little to nothing that she could do to assist. In hindsight, we would have been in a better position now if we had brought Claire Allen in a month ago. However, we cannot turn back time.

You are also correct, that we have a number of priorities and action to take and our Chair has been working diligently on these today.

Phill has spent a large part of today on the phone with DALC discussing our options moving forward.

It has been confirmed that we cannot operate if we do not have a Clerk in place.

A Locum Clerk, Debbie, has been identified by DALC as a very credible and experienced Locum Clerk who has experience of similar situations.

This evening, she confirmed to the Chair that she can rearrange her current commitments and fulfil the requirements of WPC for next week's meeting and in an interim locum capacity until required.

She will be able to attend on Tuesday and prepare the Agenda in advance, Beckie has however already completed the majority of this and has placed all relevant items in a folder for us.

We will get the key to distribute agendas on the notice boards in sufficient time.

With regards to authority to appoint the Locum without full PC approval.

We have to have a Clerk, so there are 4 options:

1. We check if the staffing committee has delegated authority to appoint a Clerk. Having reviewed the attached, I do not see how we have authority.
2. We list as the 1st agenda item on Tuesday the appointment of a locum Clerk, this is then voted on by full council before the WPC meeting commences in full.
3. We call an extra-ordinary Council meeting for Monday (earliest possible date), we still advertise the PC meeting on Tuesday and prepare for it. A decision is taken by full council on whether we appoint a locum Clerk.
4. The Chair makes an executive decision, which according to DALC is within his authority, to appoint the Locum Clerk as we cannot operate without one.

In the spirit of working in the best interest of the Village, my personal recommendation would be to put it to the full Council on Tuesday, prior to the main agenda items.

Failing that, it would fall to the Chair to make the executive decision to appoint, or to cancel the entire meeting.

Our role as staffing committee is limited at this stage:

We can request and complete exit interviews with Beckie, although the Chair can also complete this.

We have to assess whether we have put an employee at risk which has caused her to resign.

We have to ensure that she is paid in full and that all WPC equipment is returned. We have to initiate the process to recruit a replacement Clerk, create adverts, screen candidates, interview and make recommendation to full Council.

The other points you raise:

- Yes, it appears that we are unable to convince Beckie to remain, so an official announcement to Full PC needs to be made. This should be a message from the Chair. I would hope this could be done early Wednesday morning (it's getting a bit late now).
- If appointed, the Locum Clerk will take responsibility for the emails. I will speak to the email hosts in the interim to have an "out of office" email placed on the account.

I also believe that WPC needs to make an official statement regarding the recent press releases and also the local social media requests for information. Without full approval from the full Council though, I would expect it is only the Chair who could take this kind of action. I would suggest that after we have announced the resignation, we could have a discussion with all councillors about how we handle this.

Kind Regards

John

From: Joe Cullen <[REDACTED]>
Sent: 04 June 2019 16:10
To: john.houghton@willingtonpc.org.uk
Cc: [REDACTED]
Subject: FW: Immediate resignation

Hi,

Don't do anything regarding Claire Allen the to be new admin officer without notifying myself and Cllr R Casey, for discussion, and do not include Cllr Allsopp into the emails, either CC or BCC, as it will all come out in the wash if you do, it's no secret that we do not get on, but that's life, we need to work together, for the good of the parish.

Can we decide who is doing the agenda for next week's meeting, I would have hoped it would be Rebecca but she never replied to my email, it needs to go on the notice board by Thursday, and I don't believe it should be Cllr Allsopp because he makes too many mistakes, I suggest that we send agenda requests to Cllr R Casey, and she can draw it up, and I will put them on the notice boards. Failing that I will do the agenda myself, if people email me what they want on. Regards Cllr J Cullen

From: Parish Clerk [mailto:clerk@willingtonpc.org.uk]

Sent: 03 June 2019 19:29

To: john.houghton@willingtonpc.org.uk; [redacted] rosslyn.casey@willingtonpc.org.uk

Subject: Immediate resignation

Dear all,

It is with great sadness I offer my immediate resignation from the parish council.

The below email is the reason.

I have worked for 20 years in positions of responsibility and have never been made to feel so threatened or intimidated.

I will not be continuing to work with the parish with immediate effect. I will hand over all laptops etc with immediate effect.

Please be aware that the accounts internal audit will take place on 6th June with Brian Wood, who you will need to contact – after this the AGAR will need submitting by 1st July, and all parish accounts will need to be posted by 10th July for the public scrutiny.

I will submit my expenses – but someone else will have to do the agenda.

Apologies, but this is totally unacceptable. I will be sending this and any subsequent threatening email directly to the police.

Beckie

The Clerk at Willington Parish Council

[REDACTED]

From: [REDACTED]
Sent: 03 June 2019 19:17
To: clerk@willingtonpc.org.uk
Subject: Scum bag John Phillips [REDACTED]

A parish councillor in Derbyshire sent a shocking email to his Liverpool-born colleague telling him that a bus would be taking 'all sorts of scum bags and drug dealers back to Liverpool.'

The email was sent by Councillor John Philips, who sits on the parish council of Willington - a village in South Derbyshire.

In an email, seen by the ECHO, Cllr Philips wrote: "Hi Paul, I've had a call from the Mega Bus, they're happy to take all sorts of scum bags and drug dealers back to Liverpool tomorrow - if you know any please let them know, I'll pay - this is a public service broadcast."

Well he let us all know now sack him or face what this city can do when you piss us off xx

Sent from my iPhone

W

STAFF CO...ENCE.docx
20.4 KB

[EMAIL 08]

From: Joe Cullen [REDACTED]
Subject: Chair of Carnival Committee
Date: 25 Oct 2019 at 10:43:43
To: [REDACTED]
Cc: john.houghton@willingtonpc.org.uk,
paul.cullen@willingtonpc.org.uk, Tim
Bartram [REDACTED]
[REDACTED] Phillip Allsopp
[REDACTED]
ian.walters@willingtonpc.org.uk,
claire.carter@willingtonpc.org.uk,
andy@andymac-willington.co.uk, Mark
Bartram [REDACTED]

Hi Caroline,

I heard you were elected Chair of the Carnival Committee congratulations, even better when I heard who your adversary was, once people see through his facade, there was only one winner, the decision was a no brainer, they will always choose champagne over plonk. Now you just have to watch your back. Cheers Joe

[EMAIL Q9]

From: Joe Cullen [REDACTED]
Subject: FW: Code of Conduct Complaint against Cllr Walters
Date: 19 Oct 2019 at 15:28:14
To: <[REDACTED]>
<carolineb48@live.co.uk> [REDACTED] m Bartram
<[REDACTED]> paul.cullen@willingtonpc.org.uk>
paul.cullen@willingtonpc.org.uk, Willington PC Clerk
Clerk@willingtonpc.org.uk; Phillip Allsopp
<[REDACTED]>
<john.houghton@willingtonpc.org.uk>
john.houghton@willingtonpc.org.uk,
<claire.carter@willingtonpc.org.uk>
claire.carter@willingtonpc.org.uk, Mark Bartram
<[REDACTED]> ian.walters@willingtonpc.org.uk>
ian.walters@willingtonpc.org.uk <andy@andymac-
willington.co.uk> andy@andymac-willington.co.uk

Afternoon,

Below is the reply from Ardip Kaur to my email, you will see that she says she can meet with whoever she sees appropriate, what a cop out, in my email I told her that I was amazed that she didn't interview all parties, you can see her very abrupt reply, she can discuss it with whoever she deems

it necessary.

She does not address any of the matters that I raised in my email, and yet she states " Should any of the complainants wish to contact me with regard to the outcome of their complaints, they are able to do so" this statement could not be further from the truth.

Nowhere in any correspondence that I have had with her, does she state that she does not think that the incident did not take place, so on that assumption, I can only believe that she thinks the incident did in fact take place, but she says he was not acting as a parish councillor, how that can be, only she knows.

So if he was not acting as a parish councillor, I can only presume that he was acting as a member of the public, who showed aggressive and thuggish behaviour towards a fellow parish councillor, so should we not be supporting Cllr Casey against this sort of behaviour by a member of the public.

She also told Mr Casey that she had met and discussed the matter with Cllr

Walters, and the complaint does not fall within the remit of the Code of Conduct, again unbelievable, she said he should have contacted the police, well since the incident took place Mr Casey has had to contact the police on occasion, when he has been verbally abused by a member of the accused family while out walking his dog..

I feel Mr Casey comes out of this with great dignity and restraint, especially after being totally ignored by WPC.

So we have a situation where close friends who are/where members of WPC, are

both reported to SDDC and both deemed to have not infringed the Code of Conduct, I refer to his great friend Phillips, the author of the scumbags and drug dealers post, we complained about him, and the Monitoring Officer did nothing about that either.

So to sum up it seems that you can be an aggressive and cowardly bully towards women, and as long as you are not a parish councillor it is quite acceptable.

I need to decide where I am going to take this next, I'm just glad it wasn't my wife. Regards Cllr J Cullen

-----Original Message-----

From: Ardip Kaur [<mailto:Ardip.Kaur@southderbyshire.gov.uk>]

Sent: 15 October 2019 12:48

To: 'Joe Cullen'

Subject: RE: Code of Conduct Complaint against Cllr Walters

Dear Cllr Cullen

Should any of the complainant's wish to contact me with regard to the outcome of their complaints, they are able to do so.

As the Monitoring Officer determining Code of Conduct complaints, I am able to discuss/meet with whoever I deem appropriate in order to make a determination. In this instance I felt it necessary to meet with Cllr Walters as I already had information from other parties.

I can confirm you were also sent a letter, a copy of which I attach in the event you did not receive it in the post.

If you wish to make a Freedom of Information request, please submit your query to the following email; FOI@southderbyshire.gov.uk.

Regards

Ardip Kaur (Solicitor)
Head of Legal and Democratic Services & Monitoring Officer
T: 01283 595715

-----Original Message-----

From: Joe Cullen <[REDACTED]>
Sent: 13 October 2019 17:39
To: Ardip Kaur <Ardip.Kaur@southderbyshire.gov.uk>
Subject: FW: Code of Conduct Complaint against Cllr Walters

To Ardip Kaur Monitoring Officer SDDC
From Cllr J Cullen
Code of Conduct complaint against Cllr Walters.

Afternoon,

Yesterday I had a phone call from the aggrieved husband of Cllr R

Casey regarding his complaint against the cowardly and aggressive behaviour

towards his wife Cllr R Casey, outside the council meeting room on Tuesday 14th May, he also sent me a copy of the letter you sent to him. He asked me, how you could justify your decision, unfortunately I could not answer him, because your decision is not justifiable.

I am amazed that you say you have met and discussed the complaint, with Cllr

Walters, but have not taken the trouble to meet with Cllrs Casey, Blanksby and P Cullen to discuss the incident with them.

I can only wonder, if you thought it was not a Code of Conduct complaint, why you met with him, given that you DID meet with him, you must have thought it WAS a Code of Conduct complaint, then you being the judge and jury you should surely have met with the Councillors who complained against him, because you are only hearing one side of the story, I find this to be offensive towards Cllr Casey.

On 15th August 2019 you sent me a letter[which is enclosed] stating that "I am in the course of making enquiries into the matters raised and shall advise further once I am receipt of this information" that was 8 weeks ago, and in 8 weeks you seen fit to meet with only one person, and he was the

person, that the complaints where against.

Also enclosed is the email sent to me which originally got me involved in this, it still worries me when I read this email.

In letters to other parish councillors you state that " Councillor Walters is not deemed to have been acting in his official capacity as a member of Willington Parish Council" you don't state that this incident never happened so I can only take it that you believe that the incident did actually happen, but it is not within your scope to deal with it, You say that he was not acting as a parish councillor, If Councillors Walters and Casey, had NOT been Willington Parish Councillors, they would not have been in the car park of the building were the meeting took place, on the 14th May 2019, so arguable Cllr Walters was acting as a Willington Parish Councillor.

If it was not a Code of Conduct Complaint.

Then WHY did you interview him?.

Seeing as you DID interview him, WHY did you not interview the complainants?, if you deemed he was not acting as a parish councillor, Was

that because you could not justify his disgusting and thuggish behaviour towards a woman councillor, and you wanted to wash your hands of it, because you did not want to find that the complaint was proved, by the complainants that you never interviewed.

I put in a complaint about this incident as the letter you sent me on 16th August states, you have not replied to my complaint since I had that letter, so could you please advise me instead of me hearing it second hand. As a Public Body, Under Freedom of Information 2000, could I please have a copy of all correspondence, that you have received regarding this complaint, that includes all emails, letters, transcripts of meeting and telephone transcripts, by all Willington Parish Councillors, whether involved in the complaint or otherwise supporting Councillor Walters. I look forward to your reply. Regards Cllr J Cullen

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[EMAIL 10]

From Joe Cullen [REDACTED]
 Subject FW: Chairmans update
 Date 11 Nov 2019 at 15:52:44
 To Phillip Allsopp [REDACTED]
 <john.houghton@willingtonpc.org.uk>
 john.houghton@willingtonpc.org.uk,
 <claire.carter@willingtonpc.org.uk>
 claire.carter@willingtonpc.org.uk,
 <mark.bartram@willingtonpc.org.uk>
 mark.bartram@willingtonpc.org.uk,
 <ian.walters@willingtonpc.org.uk>
 ian.walters@willingtonpc.org.uk <andy@andymac-willington.co.uk>
 andy@andymac-willington.co.uk,
 <paul.cullen@willingtonpc.org.uk>
 paul.cullen@willingtonpc.org.uk, <carolineB4B@live.co.uk>
 [REDACTED] Tim Bartram [REDACTED]
 [REDACTED] danny.rose@iscall.co.uk [REDACTED] Willington
 PC Clerk Clerk@willingtonpc.org.uk

Afternoon,

I object very strongly to the Chairman's Update in the recent newsletter, regarding Axis 50 he states that WPC have spent a lot of time on this, this, could not be further from the truth regarding himself and 5 other Willington Parish Councillors.

He states that it has been necessary to employ a planning consultant to assist us in presenting our objections to the proposals, and this part of it is true, what he fails to say is that he voted against employing a planning consultant, and there were only 5 Parish Councillors who voted to employ a planning consultant, they were Councillors C Blanksby, T Bartram, R Casey, P Cullen and myself.

So Why is he trying to mislead the people of Willington, when everyone who was at the meeting, and there were quite a lot all know, that he is not being honest in his report, just trying to make himself look good, but it does not work like that when people know the truth, Everyone knows the way he voted and those people who were not at the meeting and are interested in Axis 50 have been informed by me and others the way the voting went.

Finally he states that the objection has to be carefully compiled and properly presented, does he not realise, that is why we [all 5 of us councillors named above] voted to employ a planning consultant, so it could be presented properly.

And for blatantly misleading the people of Willington I believe that he should resign. Cllr J Cullen

Chairman's Update.

These newsletters seem to come around all too quickly, even though they are only every other month. But then, if life is busy time seems to fly past and the Parish Council has had much to consider over the last couple of months.

Axis 50 has taken a lot of our time and it has been necessary to employ a planning consultant to assist us in presenting our objections to the proposals. We can all agree that the proposed development will have major implications for the village, but these have to be carefully compiled and properly presented. We now have to await their consideration by South Derbyshire DC.

On a more positive note the Ivy Close planning application has been withdrawn though no doubt it will be resubmitted in the future.

The "meet the Councillor" surgery that took place on September 7th, was deemed a success by all who attended. The question now must be should we continue to have another one? We would like your views on their community value and any changes that you might like to make in their format.

Overgrown vegetation obstructing pavements and walkways remains an ongoing subject of concern around the village. We ask you, once again, to ensure that your hedges etc are cut back to allow people to walk by in safety.

Discussions with Woodgrow on replacing the tree in the station garden will result in their supplying a replacement before the end of the year, allowing us to proceed with the development of Christmas lights as first intended.

Once again I must thank the Scouts for providing their annual firework display on the Twyford Road Playing Fields and remind all those of you who are planning your own firework celebrations to follow the guidelines and stay safe.

I hope you have noticed that the WI have done another litter pick around the village. A big thank you for helping to keep the village looking cared for and welcoming to visitors.

Finally I would like to remind you that Parish Council meetings take place on the second Tuesday of the month and there is an open invitation for you to attend, and keep us on our toes with your questions. The next meeting will be at 7.00 pm on Tuesday November 12th at the Old School on Castleway, with the final meeting of the year being held on December 10th.

With two more meetings to go before the end of the year it doesn't early to think of Christmas, but seeing as I won't get another chance I would like to wish you all a Happy Christmas and all the best for the New Year.

[EMAIL 11]

----- Forwarded message -----

From: **Joe Cullen** <[REDACTED]>
Date: Sat, 14 Dec 2019 at 12:01
Subject: WPC video on Youtube
To: Phillip Allsopp <[REDACTED]>

To the Chairman WPC.

Morning.

I watched the video on Youtube, you are a star for all the wrong reasons, not being able to control the meeting and abandoning it, look forward to the next episode. Cllr J Cullen

[REDACTED]

[REDACTED]

Mr. Allans
Chairman

The statement regarding Axis 50 is a _____
complete untruth it has taken none of our time
and he even voted against employing a planning
consultant to assist us in presenting our
objections to the proposals{

[EMAIL 12]

----- Forwarded message -----

From: Joe Cullen <[REDACTED]>
Date: Sun, 15 Dec 2019 at 08:38
Subject: FW: WPC video on YouTubeXXXXXXXXXXXXXXXXXXXXXXXXXXXX
To: Phillip Allsopp <[REDACTED]>

To the Chairman WPC.

Morning,

I went down to The Sun for a beer yesterday afternoon, we were discussing the WPC meeting, so we put the video on, after watching it the general consensus was that you could not run a pxxs up in a brewery, but I thought that was harsh on you., and I told them that I thought that you could.

The problem is that as the Chairman of WPC you are not running a pxxs up in a brewery, you are supposed to control the WPC meetings, and I had to agree with the people, that you are totally incapable of doing that.

People were asking, Why? is he asking her advice all of the time. as Chairman, is he not supposed to know what is going on, I tried to defend you, by telling them that was the Locum's job to advise you, because of what we are paying her she should be the fountain on knowledge, but that did not go down to well as she did not give you the right advice, which would have been to not close the meeting. So at the end of the day, I could not defend, the indefensible, I had to agree with them, that you were/are totally out of your dept.

They are all looking forward to seeing the next meeting. Cllr J Cullen



[EMAIL 13]

----- Forwarded message -----

From: **Willington PC Clerk** <Clerk@willingtonpc.org.uk>

Date: Tue, 11 Feb 2020 at 16:32

Subject: RE: Summons to attend the meeting of the Parish Council to be held on 11 February 2020

To: Joe Cullen <[REDACTED]>

Hi Joe

Thanks for your recognition but unfortunately I'm the one here left to sort it out. I hope that we can do this amicably as I do not wish for a repeat of what I have seen on previous videos and if that occurs then I shall have no choice but to tender my resignation as I do not wish to be associated with or subjected to such disgraceful behaviour. I would remind you that the Council has a duty to me as an employee to protect me from such situations. If it cannot then I cannot continue in the role.

Addressing your points, if, as you say, the meeting did not start until after that whole section was over then the change in attendee list is required as those Cllrs were not present at the beginning of the meeting. According to your representations this would then make the minutes accurate. You don't have to agree to the apologies being submitted – I was just trying to offer a conciliatory approach on that front since they were there and then felt that they had to leave. But, if you maintain that the meeting had not started, then they cannot be logged as attending since they left before John took the Chair and 'started the meeting'.

If you want to still refer to all of that occurring then you must also agree that the meeting had started (otherwise why would it be noted at all?) and so all of that needs to stay in, since it did happen.

I am extremely concerned that you would seemingly wish to try to use the minutes to 'show up' the Chairman and, I have to say, having watched the video online, that the meeting was clearly declared open by the Chairman prior to him reading the statement. I would therefore maintain that the minutes are accurate, however I would suggest that there was a procedural deficiency in that yourself and Paul should not have taken part in the vote on removing you both from the meeting.

I understand that you would object to a statement being read out which directly relates to Pauls' actions (although he was not named in that statement), however, there is no reason why a statement cannot be read out by the Chairman, or the Clerk if so directed. To raise a point of order was incorrect. No decision making was to be had and this is normal practice to do where there are procedural issues (or perhaps pertinent information) that need to be addressed before commencement of the agenda business.

The continued refusal to accept the authority of the Chairman (whatever you may think of him personally) serves only to bring the Council into disrepute and also the office of Councillor and Chairman.

The position of Chairman is one of authority and to be respected as such since that person for their term of office is the 'First Citizen' of the parish. As such they are expected to attend ceremonial duties such as opening the village fete or welcoming foreign dignitaries etc and this does not require prior approval from Council. It is simply expected. He therefore needs

an outlet to report this activity back to Council and this is what 'Chairman's Announcements' is for, or perhaps to welcome a new Clerk. Again, prior notification of content is not required as it is not decision making ground – purely informational. I have confirmed this with DAIC today, too. It is not for anyone to 'have a pop' and I would strongly object to anyone doing this at Council meetings at any point in proceedings.

I do not know what has gone on outside of Council business that has caused this upset but I would advocate for its expression at Council meetings to be discontinued immediately. The Chairman's interpretation of Standing Orders and decisions upon such is final and to continue to argue after a decision has been made is not acceptable behaviour for an elected member.

The reputation of the Parish Council is in tatters because of this drama and upset and needs all of us to work together to restore it. This involves everyone co-operating and respecting each other, despite personal differences, and not encouraging our friends and families to attend and be disruptive from the public gallery. Should such persons attend and become disruptive I would expect their associated Cllr to intervene and tell them to stop.

Kind regards

Sabrina

Sabrina Doherty

Parish Clerk

Willington Parish Council

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Sent from Mail for Windows 10

From: Joe Cullen

Sent: 11 February 2020 10:05

To: 'Willington PC Clerk'

Subject: RE: Summons to attend the meeting of the Parish Council to be held on 11 February 2020

Morning,

First of all let me say that none of this was your doing, and it should have been sorted out long before you took up your position as Clerk, but how could the Locum get things so badly wrong when she had a Dictaphone at the meeting of the 19th December 2019, I believe that she wanted to show Cllr P Cullen and myself in a negative way and leave us open to ridicule, for the benefit of the Chairman.

I do not agree with what you have suggested as that would be a complete fabrication of the truth, in fact a downright lie, to say that the 3 cllrs gave apologies, and alter the attendees, as though they were never there, the Chairman needs to take responsibility for his actions, as a chairman he should have known better than to make proposals and have votes when the meeting had not started, so the minutes need changing, so that they address what actually happened.

This is also a reason that I disagree with your proposal to add Chairman's Announcements to the agenda it will give the Chairman a pulpit to have a pop at whomever he so chooses, so if this goes ahead I would hope that I am afforded the same opportunity. Regards Cllr J Cullen

From: Willington PC Clerk [mailto:Clerk@willingtonPC.org.uk]

Sent: 09 February 2020 22:45

To: Joe Cullen

Subject: RE: Summons to attend the meeting of the Parish Council to be held on 11 February 2020

Hi Councillor Cullen

Thanks for your email. I've had something similar from Paul today too and I've recommended to him that he go with your approach of just removing the entire section and then I suggest amending the attendees with the 3 cllrs who left being put in as having given apologies. I think that would be the simplest way to deal with it rather than trying to add in additional wording.

If you two could agree a way forward prior to the meeting it would be helpful to make things smoother and its just a simple proposal and vote then.

Thanks

Sabrina

Sabrina Doherty

Parish Clerk

Willington Parish Council

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Sent from Mail for Windows 10

From: Joe Cullen

Sent: 09 February 2020 14:57

To: 'Willington PC Clerk'

Subject: FW: Summons to attend the meeting of the Parish Council to be held on 11 February 2020

Hi again,

Forgot to say in my last email, were it states "A proposal was made to close the meeting" this was wrong because the meeting had not started. Regards Cllr J Cullen

From: Joe Cullen [mailto:████████████████████]

Sent: 09 February 2020 14:05

To: 'Willington PC Clerk'

Subject: RE: Summons to attend the meeting of the Parish Council to be held on 11 February 2020

Hi Afternoon,

Below is a copy of the minutes for the EO meeting 19th Dec 2019,

Everything that you see below should not be in the minutes as the meeting had not started, just listened to my recording and the Locum clearly tells Cllr P Cullen the meeting has not started, no proposals or voting can take place if the meeting has not started so everything in RED below is clearly wrong, and should not be in the minutes. Regards Cllr J Cullen

At the start of the Meeting, the Chairman read out a pre-prepared statement in regard to the use of video recording equipment (Attached at Annexe A to the Minutes).

There were three items of recording equipment which the Chair considered were inappropriately positioned due to them not taking in the whole of the proceedings of the Meeting. These were in the control of Cllrs J. Cullen and P. Cullen. Cllrs P. and J. Cullen were asked to reposition the equipment but refused.

A proposal was made that both Cllr J. and P. Cullen be excluded from the Meeting. This was seconded and a recorded vote was requested.

RESOLVED that Cllrs P. and J. Cullen be excluded from the Meeting.

Cllrs Allsopp, Carter, Houghton, Macpherson and Walters voted in favour of this proposal.

Cllrs F. Bartram, Blanksby, Casey, J. Cullen, P. Cullen voted against this proposal.

Cllr M. Bartram abstained.

The Chairman used his casting vote to vote in favour of this proposal.

Cllrs P. and J. Cullen refused to leave the Meeting or move the recording equipment.

A proposal was made to close the Meeting

RESOLVED that the Meeting remain open and business be considered.

From: Willington PC Clerk [<mailto:Clerk@willingtonPC.org.uk>]

Sent: 05 February 2020 23:43

To: [REDACTED]

Subject: FW: Summons to attend the meeting of the Parish Council to be held on 11 February 2020

Hi Cllr Cullen

Apologies, I sent this to your Willington PC email but it appears to be down so sending it to you here instead.

Best wishes

Sabrina

Sabrina Doherty

Parish Clerk

Willington Parish Council

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Sent from Mail for Windows 10

From: Willington PC Clerk

Sent: 05 February 2020 23:40

To: Phillip Allsopp; john.houghton@willingtonpc.org.uk; joe.cullen@willingtonpc.org.uk; Mark Bartram; tim.bartram@willingtonpc.org.uk; rosslyn.casey@willingtonpc.org.uk; andrew.macpherson; caroline.blanksby@willingtonpc.org.uk; claire.carter@willingtonpc.org.uk; paul.cullen@willingtonpc.org.uk; ian.walters@willingtonpc.org.uk

Subject: Summons to attend the meeting of the Parish Council to be held on 11 February 2020

Dear Councillors

Please find attached your summons and additional papers for the next meeting of the parish council.

Kind regards

Sabrina

Sabrina Doherty

Parish Clerk

Willington Parish Council

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Sent from Mail for Windows 10

[EMAIL 14]

----- Forwarded message -----

From: **Joe Cullen** [REDACTED]
Date: Wed, 4 Mar 2020 at 08:33
Subject: FW: Agenda items
To: [REDACTED]

Agenda items for 10th March

Video recording at Parish Council meetings

Despite several Councillors doing nothing wrong. The Chairman, ably supported by a number of Councillors conspired to have two, (not three) Councillors removed from a meeting despite the fact they were carrying out a lawful activity. Council should seek a full and unreserved apology from the Chairman

The role of the Chair

The Chairman has persistently acted beyond his level of responsibility and appears to believe he has 'super councillor' status

The Chairman's Announcement as read at the meeting held on 19th December

There are inconsistencies in what the Chair actually read out and the Chairs Announcement sent through to Councillors

The minutes of the meeting held on 19th December

The minutes must be a true reflection of proceedings and not simply an opportunity for Councillors to falsely agree the content of what isn't true

The conduct of the Chair at WPC meeting held on 10th December 2019.

The wholly inappropriate behaviour of the Chair including but not exclusively surrounding his proposals to suspend and subsequently close the meeting.

The conduct of the Chair and the Parish Clerk at the WPC meeting held on 19th December 2019.

It appears that once again the Chair, ably supported by the Parish Clerk, has taken it upon themselves to act in an inappropriate manner and have had private discussions with SDDC and Derbyshire Police without consulting Full Council, or at least not all members of the Council, several of whom are deliberately kept in the dark by the Chair and Parish Clerk.

Consideration for a public apology to be issued following the comments attributed to a former Willington Parish Councillor. - I have asked for his to be included on numerous occasions and much to my dismay you have consistently challenged my rationale. It is really important that as a public body we accept that mistakes were made by a former Councillor and should therefore make a public apology. 'Willington Parish Council would like to apologise for the offensive derogatory comments made by a former Councillor in which he expressed personal views about the people of Liverpool. The views he expressed are in no way reflective of the views of Willington Parish Council and are solely attributed to the individual'. This item ties directly in with the Whistle Blowing Policy above.

Legal Protection for Parish Councillors - To have in place, guidance or a policy/procedure that clearly outlines the legal protection afforded to Parish Councillors. Councillors also need to understand their rights when facing inappropriate and abusive behaviour from both elected members and members of the public and the subsequent expenditure when defending impending complaints/legal action.

Your response below doesn't cover the serious issue I am raising.

Data Protection and Confidentiality - Information being withheld from Councillors. (with the exception of the Chair), when there is no justifiable reason to do so and no Standing Order or GDPR regulation supports such denial.

Personnel/Staff related performance issues contained within the Clerk's Report submitted to Full Council at the Extraordinary Meeting held on 24th September 2019 and additional performance related issues - Exempt item due to the confidential nature of the business to be transacted under The Public Bodies (Admission to Meetings) Act 1960 Section 1. It is NOT appropriate to discuss this item with the Clerk who is a member of Staff and the public present as this is a personnel/staff performance related issue specifically related to The Clerk.

[EMAIL 15]

From: [REDACTED]
Sent: 26 November 2019 21:20
To: Willington PC Clerk
Cc: Phillip Allsopp: rosslyn.casey@willingtonpc.org.uk;
caroline.blanksby@willingtonpc.org.uk; john.houghton@willingtonpc.org.uk
Subject: Re: INTERVIEWS - CLERK (INFO) [REDACTED]

Evening

I cannot

believe that the organisation of the Locum is that bad that 21 hours before the interviews we do not know the venue. regards J Cullen

On 26 Nov 2019 13:28, Willington PC Clerk <Clerk@willingtonPC.org.uk> wrote:

Good afternoon

Apologies for the late email but I have got to change the venue for the interviews tomorrow evening.

The times will remain the same.

I will confirm the new venue asap – hopefully later today, so would be grateful if you would keep an eye out for my email. Both candidates have been contacted

Once again, apologies for any inconvenience.

Regards

Deb

Debra Townsend

Locum Clerk

Willington Parish Council

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[EMAIL 16]

From: Joe Cullen
Sent: 24 November 2019 13:35
To: 'Willington PC Clerk'
Cc: 'Phillip Allsopp'; john.houghton@willingtonpc.org.uk; andy@andy-mac-willington.co.uk; claire.carter@willingtonpc.org.uk; jan.walters@willingtonpc.org.uk; mark.bartram@willingtonpc.org.uk; paul.cullen@willingtonpc.org.uk; [REDACTED]; 'Tim Bartram'; [REDACTED]
Subject: FW: water supply arrangements

Afternoon. I'm copying all Councillors into this, so you do not need to do anything that would require me to report you for GDPR irregularities

I met up with the guy from SSW on Tuesday 19th November at 10-00am on TRPF.

His first comment to me was, did I know what it was about. I told him it was obviously about WPC not paying for water. I told him that the Locum had received an email from him, and I had asked could I see the email, this was at the PC meeting on Tuesday 12th November, after reading the email a short discussion took place, were the vice chairman, Houghton, made a statement that a few years back the developer for the homes by the allotments, had asked WPC could they use the water supply from the allotments, until they had their water supply connected up, he said that they offered to pay for the water, but WPC declined, saying that they did not pay for the water, so they could use it, but they would not charge them. [That is on record]

I told him the Locum asked for someone to volunteer to meet up with him and that was why I was there, because I had access to both TRPF and WBC.

He said that he had already been up to the allotments and seen where the builders had tapped into the water supply, but he asked why would WPC tell someone that they could use their water supply knowing that they were not paying for it in the first place, he said that this would have been a good opportunity for WPC to notify SSW about their water supplies, and start paying for them. He said that if they would have charged the developer for the water then they would have been in serious trouble.

So with him already knowing about the allotments, I never had to go up there with him, I just showed him what we had at TRPF and WBC, what he was looking for was where the supply was coming from, the supply to TRPF comes from behind the Sun Hall which years ago used to be Wharton's grocery shop and the supply to the bowls club comes from a connection on the drive leading to the bowls club.

I asked what the implications were and he said the SSW could only back charge 6 years, he said that all 3 locations would be having water meters fitted, they would also have to do some work on the supply to the allotments, regarding capping the supply that Peveril Homes tapped into, he said that it wanted capping off to SSW standards.

The stop tap to TRPF by the Sun Hall takeaway was seized so they would replace that when they put a new water meter in, there is a connection below the floor level at the bowls club which they will remove this will also be done when they put a new meter in.

He said that letting the builder tap into the supply by the allotments was the most serious thing that WPC had done, purely because of the amount of water, that they would need to use for their concrete, but it would be someone else's decision if there was to be any prosecutions. { Since speaking to him I looked it up on the SSW website and they imposed a fine of £4,000.00p on a builder that tapped into SSW supply with a stand pipe.} not exactly the same situation as WPC's, but you could say that WPC's was worse because not only were they stealing water, but they openly encouraged a third party to steal water, because they must have told Peveril Homes, the reason that they were not charging them for it, otherwise it would not make any sense for them not charging them.

Since this came up at the meeting I have looked into it, and on the agenda on Tuesday 10 March 2015

[32] Items of correspondence for attention

Persimmon request to use water supply from allotment for new site (At their cost) {Persimmon should read Peveril.}

As the vice chairman, Houghton stated, at the PC meeting on Tuesday 12th Nov 2019, this was discussed when they were building Peacehaven, this was actually on Tuesday 10th March 2015, and, I personally objected to them allowing the builder to use water which was not ours to give, I also stated that I believed that WPC should inform SSW about not paying for any water, this all fell on deaf ears, but I thought that this would be in the minutes.

So I looked for the minutes for the meeting of Tuesday 10th March 2015, and guess what [yes you've guessed correctly] there are no minutes, on the website for Tuesday 10th March 2015

but at the meeting on Tuesday 21st April.

ITEM

1801 MINUTES OF THE MEETING HELD 10TH MARCH 2015

The Minutes of the meeting held on 10th March 2015 were approved and signed by the Chairman subject to the deletion of the last sentence in item 1952 Land Swop on by-way which relates to matters taking place after the meeting.

So the minutes of the meeting of 10th March although they are not on the website, they were approved by the Chairman, who was the same person, who informed us at the meeting on the 10th March that WPC did not pay for any water from SSW. So we should not charge the builder.

I have also spoken to some people whom I will not name, one was on the PC 40 years ago and he informed me that he knew WPC were not paying for water, another was on it in the late 80's and he knew.

The website will only allow me to go back as far as 2008, so the present councillors who were also, parish councillors before 2008 I cannot check on, without going up to Matlock and

having a look at the WPC records in the archives, but it's a fairly good bet that over the years lots of councillors have known and turned a blind eye.

I hold my hand up and state that I knew from March 2015, as did other people, it is also not rocket science to see that WPC get electric bills for TRPF and WBC but I have never seen a water bill. so as far as I am concerned WPC have been obtaining water illegally for 40/50 years, and there is only one word for that in my opinion and that is corrupt, no one individual councillor is to blame, but past and present councillors who knew should hang their heads in shame, as should WPC in general.

At the meeting on 12th November 2019, I have it on record that the vice chairman, Houghton, stated that he knew about this from the time of the Peacehaven development, he also implicated me, saying I was at the PC meeting, and I said that I was, so because of this, I have delved into this and it does not make good reading for WPC.

As the vice chairman of the PC, Cllr Houghton is also Chairman of the Finance Committee and I would suggest that his position in both of these rolls now becomes untenable, because, and I'll put it bluntly as the guy from SSW did WPC were stealing water, and he knew about it. And as Chairman of Finance should have brought it to the attention of the Parish Council, long before now.

But collectively WPC are at fault, for the way that they have run certain aspects of their accounts for years.

How that fits in with WPC's NDP I don't know, can a council that has been so dishonest, about their water supply, for decades really expect people to take them seriously, regarding the Neighbourhood Development Plan. I also believe that the vice chairman and myself should stand down from the interview panel. How can we interview people? when our own integrity and credibility has been found to be wanting.

I also think that anyone involved in this dishonesty, should not hold the office of Vice Chairman, or Chairman of ANY committees.

Regards Cllr J Cullen

From: Willington PC Clerk [<mailto:Clerk@willingtonPC.org.uk>]
Sent: 14 November 2019 09:33
To: [REDACTED]
Subject: RE: water supply arrangements

Morning Cllr Cullen

Please see email regarding the water supply arrangements. I would be grateful if you could contact Chris to make any arrangements.

Many thanks for agreeing to do this.

Regards

Deb

Debra Townsend

Locum Clerk

Willington Parish Council

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Sent from Mail for Windows 10



From:
Sent: 05 November 2019 13:38
To: 'clerk@willingtonpc.org.uk'
Subject: water supply arrangements
Importance: High

Hi.

Can you arrange to meet up and discuss water supply arrangements and water regulation inspections at –

- Willington Cemetery / Allotments

- Willington Sports Ground

- Willington Bowls Club

As soon as possible please.

Thank you.

#####

Attention:

The information contained in this message and or attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission,

SOUTH DERBYSHIRE DISTRICT COUNCIL

PROCEDURE FOR CONSIDERING A COMPLAINT THAT A MEMBER HAS BREACHED THE CODE OF CONDUCT

1. The Monitoring Officer acknowledges receipt of the complaint within 5 working days of receipt.
2. The Monitoring Officer informs the subject Member of:-
 - (a) the complaint, giving a summary of it and the name of the complainant.
 - (b) his/her right to consult one of the Independent Persons appointed by the Council, through the Monitoring Officer.
3. The Monitoring Officer, in consultation with an Independent Person (other than one consulted by the subject Member under paragraph 2 (b)), decides, within 20 working days of receipt of the complaint, that:-
 - (a) The complaint does not come within the remit of the Code of Conduct.
 - (b) The complaint is not sufficiently serious to warrant an investigation.
 - (c) It is not in the public interest to investigate the complaint.
 - (d) He/she should seek to resolve the complaint without the need for an investigation (e.g. by an apology or training by the subject Member).
 - (e) The complaint should not be investigated because it is vexatious, malicious or obsessive.
 - (f) The complaint should not be investigated because it is broadly similar to a complaint against the same Member about the same alleged incident.
 - (g) The complaint should not be investigated because there is a clear ulterior/political motive for it or it is just a tit for tat complaint.
 - (h) An investigation should take place.
4. Before coming to his/her decision under paragraph 3, the Monitoring Officer may request further information and/or clarification from the complainant and/or the subject Member and the time period shall be extended accordingly.
5. If the Monitoring Officer decides that the complaint should be investigated, or his/her attempts to resolve the complaint without an investigation do not succeed, then he/she will carry out an investigation or appoint an investigator to carry out an investigation on his/her behalf.

6. The investigator appointed under paragraph 5 by the Monitoring Officer may be:-
 - (a) A senior officer of the Council.
 - (b) A senior officer of another Council.
 - (c) An external investigator with relevant experience.
7. A report into an investigation shall include the investigator's findings on whether the Code has been breached.
8. Before finalising his/her report, the Investigator shall send a copy of it to both the complainant and subject Member and give them at least 5 working days to comment on it.
9. If the investigator's final report finds there has not been a breach of the Code, the Monitoring Officer can, in consultation with the Independent Persons, decide to:-
 - (a) Take no action.
 - (b) Refer the report to the Hearing Sub-Committee of the Standards Committee.
10. If the investigator's report finds there has been a breach of the Code then the Monitoring Officer must refer the matter to the Hearing Sub-Committee.
11. When the matter has been referred to the Hearing Sub-Committee by the Monitoring Officer, it will:-
 - (a) Allow the investigator to present his/her report and call witnesses, including the complainant.
 - (b) Allow the subject Member to make representations and call witnesses.
 - (c) Decide if the subject Member has breached the Code of Conduct.
 - (d) Decide what sanction should be imposed if it decides the Code has been breached.
12. The sanctions the Hearing Sub-Committee can impose if it finds a breach of the Code are:-
 - (a) Censuring the Member.
 - (b) Reporting its findings to Council for information.
 - (c) Recommending to the Member's Group Leader (or in the case of ungrouped Members, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
 - (d) Recommending to Council that the Member be replaced as Leader of the authority.
 - (e) Recommending to the Leader of the Council that the Member be removed from Committees and/or Sub-Committees.

- (f) Recommending the Monitoring Officer to arrange training for the Member.
- (g) Recommending to Council that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the authority.

[In respect of Parish Councils all of these will be recommendations].

13. In reaching a decision as to whether there has been a breach of the Code and, if so, what sanction should be imposed, the Hearing Sub-Committee will consult and take into account the views of the Independent Persons who will attend such hearings.
14. Following any final decision by the Monitoring Officer or the Hearing Sub-Committee, at whatever stage, the Monitoring Officer shall inform the complainant and the subject Member of the decision and the reasons for it within 10 working days.
15. Where there has been a decision that the subject Member has breached the Code of Conduct, that decision and the reasons for it shall be placed on the Council's website.
16. Wherever there is a decision that the subject Member has not breached the Code of Conduct, that decision shall be placed on the Council's website if the subject Member wishes it to be.
17. Any decision of the Monitoring Officer or Hearing Sub-Committee shall be final and binding.
18. The Monitoring Officer will, every 6 months, take a report to the Standards Committee providing:-
 - (a) The number of complaints received and brief details.
 - (b) How they are progressing.
 - (c) What decisions have been made.
 - (d) What action has, where appropriate, been taken.
19. The Monitoring Officer has delegated power, in consultation with the Independent Persons and the Chairman of the Standards Committee, to approve a departure from these arrangements when he/she considers it is expedient to do so to secure the effective and fair consideration of any matter.
20. In all cases where the Monitoring Officer is unable to perform his/her role, his/her deputy will do so.

REPORT TO:	STANDARDS SUB-COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	7TH DECEMBER 2020	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR EXTENSION 5715 ardip.kaur@southderbyshire.gov.uk	DOC:
SUBJECT:	REPORT OF THE MONITORING OFFICER	REF:
WARD(S) AFFECTED:	WILLINGTON	

1.0 Recommendations

- 1.1 That Members consider the Independent Investigators reports at **Appendices 3, 4 , 5 and 6**.
- 1.2 That Members consider the conclusions of the Independent Investigator and determine whether Councillor Paul Cullen has breached the Willington Parish Council's Member Code of Conduct.
- 1.3 If Members determine Councillor Cullen has breached the Willington Parish Council's Member Code of Conduct what, if any sanction(s), should be imposed.

2.0 Purpose of Report

- 2.1 To consider the Independent Investigators reports in relation to the allegations that Councillor Paul Cullen breached the Willington Parish Council's Member Code of Conduct. The reports were commissioned by the Monitoring Officer in accordance with the Council's procedure for considering Member Code of Conduct complaints (**Appendix 2**).

3.0 Legal Implications

- 3.1 The Localism Act 2011 sets out legal requirements in relation to the Members Code of Conduct and breaches of that Code. Section 28(6) provides that the Council must have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations which can be made. In accordance with section 28(7) the Council has appointed two Independent Persons who can attend hearings. They do not vote but their views must be sought and taken into account prior to any decision being made.

4.0 Financial Implications

4.1 The financial implications associated with the complaints included the appointment of the Independent Investigator.

5.0 Corporate Implications

5.1 If the Independent Investigator's reports find there has been breaches of the Members Code of Conduct, the Monitoring Officer must refer the matter to the Standards Sub-Committee.

6.0 Community Implications

6.1 The Council's Standards Committee plays a vital role in promoting and maintaining the highest standards of conduct by Councilor's within South Derbyshire District Council.

7.0 Background Papers

7.1 Willington Parish Council Code of Conduct

SOUTH DERBYSHIRE DISTRICT COUNCIL

PROCEDURE FOR CONSIDERING A COMPLAINT THAT A MEMBER HAS BREACHED THE CODE OF CONDUCT

1. The Monitoring Officer acknowledges receipt of the complaint within 5 working days of receipt.
2. The Monitoring Officer informs the subject Member of:-
 - (a) the complaint, giving a summary of it and the name of the complainant.
 - (b) his/her right to consult one of the Independent Persons appointed by the Council, through the Monitoring Officer.
3. The Monitoring Officer, in consultation with an Independent Person (other than one consulted by the subject Member under paragraph 2 (b)), decides, within 20 working days of receipt of the complaint, that:-
 - (a) The complaint does not come within the remit of the Code of Conduct.
 - (b) The complaint is not sufficiently serious to warrant an investigation.
 - (c) It is not in the public interest to investigate the complaint.
 - (d) He/she should seek to resolve the complaint without the need for an investigation (e.g. by an apology or training by the subject Member).
 - (e) The complaint should not be investigated because it is vexatious, malicious or obsessive.
 - (f) The complaint should not be investigated because it is broadly similar to a complaint against the same Member about the same alleged incident.
 - (g) The complaint should not be investigated because there is a clear ulterior/political motive for it or it is just a tit for tat complaint.
 - (h) An investigation should take place.
4. Before coming to his/her decision under paragraph 3, the Monitoring Officer may request further information and/or clarification from the complainant and/or the subject Member and the time period shall be extended accordingly.
5. If the Monitoring Officer decides that the complaint should be investigated, or his/her attempts to resolve the complaint without an investigation do not succeed, then he/she will carry out an investigation or appoint an investigator to carry out an investigation on his/her behalf.

6. The investigator appointed under paragraph 5 by the Monitoring Officer may be:-
 - (a) A senior officer of the Council.
 - (b) A senior officer of another Council.
 - (c) An external investigator with relevant experience.
7. A report into an investigation shall include the investigator's findings on whether the Code has been breached.
8. Before finalising his/her report, the Investigator shall send a copy of it to both the complainant and subject Member and give them at least 5 working days to comment on it.
9. If the investigator's final report finds there has not been a breach of the Code, the Monitoring Officer can, in consultation with the Independent Persons, decide to:-
 - (a) Take no action.
 - (b) Refer the report to the Hearing Sub-Committee of the Standards Committee.
10. If the investigator's report finds there has been a breach of the Code then the Monitoring Officer must refer the matter to the Hearing Sub-Committee.
11. When the matter has been referred to the Hearing Sub-Committee by the Monitoring Officer, it will:-
 - (a) Allow the investigator to present his/her report and call witnesses, including the complainant.
 - (b) Allow the subject Member to make representations and call witnesses.
 - (c) Decide if the subject Member has breached the Code of Conduct.
 - (d) Decide what sanction should be imposed if it decides the Code has been breached.
12. The sanctions the Hearing Sub-Committee can impose if it finds a breach of the Code are:-
 - (a) Censuring the Member.
 - (b) Reporting its findings to Council for information.
 - (c) Recommending to the Member's Group Leader (or in the case of ungrouped Members, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
 - (d) Recommending to Council that the Member be replaced as Leader of the authority.
 - (e) Recommending to the Leader of the Council that the Member be removed from Committees and/or Sub-Committees.

- (f) Recommending the Monitoring Officer to arrange training for the Member.
- (g) Recommending to Council that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the authority.

[In respect of Parish Councils all of these will be recommendations].

13. In reaching a decision as to whether there has been a breach of the Code and, if so, what sanction should be imposed, the Hearing Sub-Committee will consult and take into account the views of the Independent Persons who will attend such hearings.
14. Following any final decision by the Monitoring Officer or the Hearing Sub-Committee, at whatever stage, the Monitoring Officer shall inform the complainant and the subject Member of the decision and the reasons for it within 10 working days.
15. Where there has been a decision that the subject Member has breached the Code of Conduct, that decision and the reasons for it shall be placed on the Council's website.
16. Wherever there is a decision that the subject Member has not breached the Code of Conduct, that decision shall be placed on the Council's website if the subject Member wishes it to be.
17. Any decision of the Monitoring Officer or Hearing Sub-Committee shall be final and binding.
18. The Monitoring Officer will, every 6 months, take a report to the Standards Committee providing:-
 - (a) The number of complaints received and brief details.
 - (b) How they are progressing.
 - (c) What decisions have been made.
 - (d) What action has, where appropriate, been taken.
19. The Monitoring Officer has delegated power, in consultation with the Independent Persons and the Chairman of the Standards Committee, to approve a departure from these arrangements when he/she considers it is expedient to do so to secure the effective and fair consideration of any matter.
20. In all cases where the Monitoring Officer is unable to perform his/her role, his/her deputy will do so.

Melvin Kenyon and Associates

South Derbyshire District Council (Willington Parish Council)
Complaints against Willington Parish Councillor, Paul Cullen, arising out
of the Extraordinary Parish Meeting held on 24th September 2019

Report prepared for Ardip Kaur, Monitoring Officer, South Derbyshire District Council – 12th July 2020

Investigation Report – South Derbyshire District Council (Willington Parish Council) Complaints against Councillor Paul Cullen (Subject Member)

1. EXECUTIVE SUMMARY

1.1 BACKGROUND

In late October 2019, Ardip Kaur, Monitoring Officer at South Derbyshire District Council (“SDDC”), appointed Melvin Kenyon to investigate certain complaints about the alleged conduct of Paul Cullen, a Parish Councillor serving as a member of Willington Parish Council (“the Council”).

1.2 FOCUS OF THE INVESTIGATION

There were several complaints requiring investigation and Complainants had, in general, asked for their confidentiality to be preserved (as provided for under the SDDC Complaints Procedure). To reduce the complexity inherent in preserving confidentiality and help improve understanding, the complaints have been separated into coherent, manageable groups for reporting purposes.

In the days following the Extraordinary Parish Council Meeting, which took place at the Old School, the Castleway, Willington at 7pm on Tuesday 24th September 2019, Ardip Kaur received four complaints about the alleged conduct of Cllr Paul Cullen at that meeting. This report (“the Report”) and the related investigation (“the Investigation”) focus on those four complaints (“the Complaints”) which are presented very largely, but not entirely, verbatim (in an effort to preserve the confidentiality requested by Complainants) in Section 5 below.

The Complaints alleged that, following the reading of a statement by a parishioner, Mrs Nicola Phillips, Cllr Cullen left the table where Council members were sitting, declared himself to be speaking as a parishioner, and made a forceful, verbal attack on Mrs Phillips in response to her statement before returning to his seat. By doing this, the Complaints alleged, he breached the Willington Parish Council Code of Conduct.

1.3 CONCLUSIONS AND RECOMMENDATIONS

I conclude from the evidence available to me and on the balance of probability that **Cllr Paul Cullen was acting in official capacity when he spoke “as a parishioner” at the Extraordinary Parish Council Meeting on 24th September 2019.**

I further conclude, based on the balance of probabilities and the evidence that I have available to me, that **Cllr Paul Cullen breached the Willington Parish Council Code of Conduct in that he did not treat Mrs Phillips, his fellow councillors, the Clerk and members of the public who were there that day with courtesy and respect and thus did not “behave in such a way that a reasonable person would regard as respectful”.** In reaching this conclusion I note that the Code

makes no reference to “bringing the Council and the office of Councillor into disrepute” even though I do not doubt that Cllr Cullen’s behaviour did exactly that.

On the basis of the conclusions above I make the following recommendations:

1. That the breach of the Code of Conduct by Cllr Paul Cullen in regard to the Extraordinary Parish Council Meeting of 24th September be referred to the South Derbyshire District Council Standards Committee for further action.
2. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that councillors should not exhibit behaviour which “brings the Council or the office of Councillor into disrepute”.
3. That the Chairman ensures (as he said he would at the 24th September meeting) that “public participation” is not used as a vehicle for making personal attacks on individuals and that all future contributions from members of the public (as well as councillors) genuinely treat people with courtesy and respect.
4. That Willington Parish Council agrees to a programme of reconciliation and a review of its working arrangements to try to restore relations within the Council and, further, that any councillor who is unwilling to take part in a programme of reconciliation should consider their position as a councillor.

2 OFFICIAL DETAILS OF SUBJECT MEMBER

Cllr Paul Cullen told me that he was initially co-opted onto the Willington Parish Council in December 2014. Following that he was elected twice – in May 2015 he was elected unopposed and in May 2019 he was elected in a ballot.

He told me he had probably served on almost all of the Committees during his time as a councillor. These included the Neighbourhood Development Planning Group, Recreation and Amenities Committee, Footpaths and Open Spaces Group, Planning Committee, Staffing Committee, and the Car Park Advisory Group. To date he had not served on the Finance Committee nor had he served on the Burial Committee, which was a relatively new Committee.

Cllr Cullen told me that Committee representation was adjourned at the Annual Meeting on 12th May 2020 due to there being more nominees than positions available. However, he hoped to serve on the Recreation and Amenities Committee, the Neighbourhood Development Planning Group, and the Finance Committee.

On a personal level, Cllr Cullen told me that he was originally from Liverpool and had lived in Willington for most of his adult life.

3 RELEVANT LEGISLATION AND PROTOCOLS

3.1 LOCALISM ACT 2011

Under section 27(1) of the Localism Act 2011 (“the Act”) a “relevant authority” (which includes a local council) is placed under a statutory duty to “promote and maintain high standards of conduct by members and co-opted members of the authority”.

Under section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity” (see 3.3 below).

Under section 28(1) of the Act a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with prescribed principles of standards in public life – the so-called “Nolan principles”.

The intention of the legislation is to ensure that the conduct of public life in local government does not fall below a minimum level which endangers public confidence in democracy.

Under section 28(6) of the Act, principal authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 27(7), arrangements put in place under subsection (6)(b) must include provision for the appointment by the principal authority of at least one “independent person” whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

Section 28(11) of the Act provides that if a member or co-opted member of the authority has failed to comply with its code of conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

3.2 WILLINGTON PARISH COUNCIL’S CODE OF CONDUCT

Under Section 27(2) of the Localism Act, the Council adopted the “WPC Code of Conduct” (“the Code”) which can be found on the Council website. It was adopted by Willington Parish Council on 10th July 2012 (minute 1389 refers). It was described by Paul Cullen when we spoke as a “*précis*” of the South Derbyshire District Council equivalent (though, in fact, there are some differences).

The Code aims “to promote and maintain high standards of behaviour by its members and coopted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council”.

The Code is based on the seven principles of public life – the Nolan principles – and these are referred to in the “Introduction” to the Code. The Code, in particular, includes the following “member obligations”:

- He/she shall behave in such a way that a reasonable person would regard as respectful.
- He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.

3.3 WHEN DOES THE CODE OF CONDUCT APPLY?

Under section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority *when they are acting in that capacity*”. This section of the Act narrowed the remit of the previous national Code of Conduct with the result that the Council (as with other councils) can only investigate matters

where a member was acting as a councillor or as a representative of the Council at the time of the alleged incident.

Conduct that might be regarded as reprehensible and even unlawful is not necessarily covered by the code; a link to that person's membership of their authority and specifically their role as a councillor is needed.

Some activities clearly have no link with the Council such as a purely domestic matter or something that a member may do while employed in work completely unrelated to the Council.

Councillors must actually be engaged on Council business or commenting on Council business or acting as a representative of the Authority to be deemed "within capacity".

4 CONTEXT

Willington is an attractive village, with just under 3000 residents, located on the River Trent around six miles south west of Derby and five miles north east of Burton upon Trent. Its Parish Council has eleven councillors. One of those, Cllr Andrew MacPherson is also a Conservative District Councillor for the Willington and Findern Ward. The District Council is South Derbyshire District Council, based in Swadlincote and its County Council is Derbyshire County Council.

5 THE COMPLAINTS

5.1 LETTER DATED 25th September 2019

A letter of complaint dated 25th September was sent to Ardip Kaur, in line with the requirement that "complaints must be submitted in writing". The Complainant had requested confidentiality in the earlier complaint to which this letter was later appended for fear, they said, of victimisation and intimidation. The salient parts of the letter read as follows:

"In the Extraordinary Parish Council Meeting last night on 24th September [a parishioner, Mrs Nicola Phillips,] spoke in the public speaking, addressing the council about some points made in the clerk's report. [She] made no personal references to anyone and wanted to urge the council to take on board the comments made from the clerk's report for the good of the village. Following [her] address to the council, Councillor Paul Cullen stood up and moved his position amongst the councillors into the audience close to where [Mrs Phillips] was sitting and proceeded to make a personal attack on [her]. Again, saying "I'm speaking as a parishioner". [Mrs Phillips] felt threatened and intimidated when Councillor Paul Cullen spoke again in a public forum about [her] in such a derogatory way. At the onset of the attack on [her] the Clerk and the Chairman attempted, without success, to stop [Cllr Cullen] carrying on with the attack and he was allowed to carry on unabated. This feeling of being targeted was heightened as other councillors also made comments, stood up and clapped. How does this encourage any resident to engage with the council if they are attacked in this way?"

The letter went on to allege that, in behaving in this way, Paul Cullen had breached the Code of Conduct.

5.2 COMPLAINT LAC/94 DATED 4th October 2019

A formal complaint raised on 4th October 2019, was received by Legal and Democratic Services on 7th October and was assigned reference LAC/94. The Complainant asked for their identity to be kept confidential saying that the environment was “very intimidating and threatening” and they had “genuine fears for any retribution that may take place”. The Complaint had initially suggested that Cllrs Casey, Blanksby and Joe Cullen had also breached the Code. However, I was asked by the Monitoring Officer to investigate the allegations against Cllr Paul Cullen alone because, following consultation with one of SDDC’s Independent Persons, the conduct of the other Councillors was not considered to be serious enough to warrant an investigation. The salient parts of the complaint read as follows:

“The following took place at an Extraordinary Meeting of Willington Parish Council on 24th September 2019. In addition to Cllrs P Cullen, Casey, Blanksby and J Cullen the following Councillors were present and witnessed the event: Cllrs Allsopp, M Bartram, T Bartram, Carter, Macpherson and Walters. In addition, there were a number of members of the public present whose names I do not know, plus Sue Carter and another lady I now know as Nicky Phillips – the wife of an ex Councillor (but I didn’t know this at the time). The Meeting was recorded, and all those present were advised of this.

“The incident commenced after Mrs Phillips had asked in Public Speaking, how the Council were going to address concerns that had been raised in the Locum Clerk’s report at a previous Meeting. Following this, Cllr Paul Cullen immediately jumped up from his chair, and said he wanted to speak as a Parishioner. He asked if it was OK but did not wait for a response. He went and sat adjacent to Mrs Phillips and Sue Carter on the front row of the area set aside for members of the public. He appeared very intimidating and was pointing his finger at Mrs Phillips.

“He said very forcefully that he was forced to listen to one-sided bias views from the wife of a former Parish Councillor who consistently asked what was the agenda of Councillors. He stated that she needed to go home and ask her husband and also a current Parish Councillor what *their* agenda was. Cllr P Cullen reported that he was 100% for the village and refused to have his good name tarnished. At this point, Cllrs Ros Casey and Caroline Blanksby stood up and applauded Cllr P Cullen’s actions.

“The Chair repeatedly asked for Cllr P Cullen to stop as it was not the forum to bring individual personal issues up, as he had previously been advised. An argument between the Resident and Cllr P Cullen ensued, and Cllr J Cullen joined in, although I am unsure what he added to the discussion, as it had become very difficult to hear as they were all speaking.

“The Chair asked all parties to stop and asked for calm, and for the Meeting to continue. He added that Councillors were there to do a job. Cllr P Cullen returned to his seat, repeating, I am sick of it, to which the Chair asked him to be calm and reminded him he was there to do a job.

“Following this incident, another member of the public stood up and described the Meeting as a “car crash”, that it was embarrassing, and that statements that he had heard would be considered unacceptable in a place of work”

The Complainant went on to allege that Cllr Paul Cullen:

1. Behaved in an intimidating manner towards a member of the public by approaching her during a Council Meeting, pointing his finger and generally behaving in an aggressive manner.
2. Acted inappropriately by leaving his seat at the Council Meeting and stating he was going to speak as a “parishioner”.
3. Responded by being very personal to the resident, which, again was inappropriate.
4. Did not stop when asked by the Chair which gave the impression of a complete lack of respect.
5. Entered into an argument showing total contempt for the Council Meeting.

5.3 COMPLAINT LAC/95 DATED 3rd October 2019

A formal complaint raised on 3rd October 2019 was received by Legal and Democratic Services on 7th October and was assigned reference LAC/95. The Complainant asked for their identity to be kept confidential saying “I know these people can be very nasty and vindictive. They can be very threatening”. The Complainant referred too to the safety of themselves and their family. The Complaint had initially suggested that Cllr Blanksby had also breached the Code. However, I was asked by the Monitoring Officer to investigate the allegations against Cllr Paul Cullen alone because, following consultation with one of SDDC’s Independent Persons, the conduct of Cllr Blanksby was not considered to be serious enough to warrant an investigation. The salient parts of the complaint read as follows:

“The meeting was absolutely unbelievable behaviour and one I believe should be acted upon. A lady parishioner (in the public speaking section) was very nicely making a statement about how well the clerk had done in her report on the current state of Willington’s parish council which was read out in [the] previous September 9th meeting. This has all been recorded by the clerk which was openly stated at the beginning of the meeting.

“The lady parishioner said nothing at all about Councillor Paul Cullen, yet he got up and said he was going to become a member of the public and walked over to the public area and sat down near this lady parishioner who had spoke before him and verbally attacked her in a very angry manner. After the clerk and the chairman realised what he was doing they told him to sit down repeatedly but he continued to verbally attack!! It was astonishing! His four fellow council friends then clapped him! It was a complete circus! In my opinion, they are in a gang together. Councillor Caroline Blanksby then shouted out that this lady parishioner has abused councillor Paul Cullen numerous times, all untrue. This is slander. The clerk said to councillor Cullen to show some respect. He replied, I’ll give you respect if you give it to me!! It’s outrageous, it’s childish, it’s wasting your time [the] council time I believe he was definitely breaching the code of conduct?!”

5.4 COMPLAINT LAC/96 DATED 4th October

A formal complaint raised on 4th October 2019 was received by Legal and Democratic Services on 7th October and was assigned reference LAC/96. The Complainant asked for their identity to be kept confidential saying “I have fears for my safety and my family’s safety with regards to Paul Cullen”. The Complaint had initially suggested that Cllr Blanksby and Cllr Casey had also breached the Code. However, I was asked by the Monitoring Officer to investigate the allegations against

Cllr Paul Cullen alone because, following consultation with one of SDDC's Independent Persons, the conduct of the other Councillors was not considered to be serious enough to warrant an investigation. The salient parts of the complaint are as follows:

"The Chairman opened the Extraordinary Meeting of Willington Parish Council on 24th September 2019 at 7pm at the Old School, Willington. He then closed the meeting to allow public speaking.

"A Mrs S Carter made a statement that she was disappointed with the Parish Council with regards to in her opinion that the Council weren't working together and other minor comments which I can't remember. Mrs Nicky Phillips was the next to speak and also commented about the performance of the council as a whole, before she had finished Councillor Paul Cullen leapt to his feet saying that he wanted to reply not as a councillor but a member of the public and proceeded to walk to where the two ladies were sat. He sat down on the front row two chairs from them and proceeded to criticise Mrs Phillips about her comments about himself. At no time did she mention his name, she was talking about the whole council not one individual".

"The Chairman tried to stop him but unfortunately he continued in spite of that for a short period of time.

"I believe this action taken by Paul Cullen breaks Code of Conduct rules. Whilst this appalling behaviour was taking place Councillors Ros Casey and Caroline Blanksby stood up and applauded his action The Clerk has a voice recording of the meeting as evidence.

"Witnesses at the meeting were: Councillors; Ian Walters, Claire Carter, Mark Bartram, Andy Macpherson, Joe Cullen, Tim Bartram. Parishioners who attended the meeting: Mrs Nicky Phillips, Mrs Sue Carter [and others]."

6 APPROACH

6.1 DOCUMENTS AND OTHER SOURCES

The source materials I reviewed during the Investigation are listed at **Annex 1** below. I relied heavily, in particular, on an audio recording of the Extraordinary Parish Council Meeting of 24th September 2019. A transcript of the audio recording of the part of the meeting during which the alleged incident took place is included at **Annex 2** below.

My colleague, Karen Potts, attended the 14th January 2020 Parish Council meeting unannounced - and "incognito" with her daughter-in-law - at my request (and cost). Her visit added nothing to the evidence base and I mention it solely for the purpose of completeness, openness, and transparency.

6.2 EVIDENCE GATHERING

6.2.1 Interview details

In respect of the investigations into complaints I carried out at the request of the Monitoring Officer I gathered evidence at interview from seventeen people. I spoke formally to all members of Willington Parish Council, with the exception of Cllr Joe Cullen, who declined to be interviewed:

- Cllr P Allsopp (Chairman)

- Cllr M Bartram
- Cllr T Bartram
- Cllr C Blanksby
- Cllr C Carter
- Cllr R Casey
- Cllr P Cullen
- Cllr J Houghton
- Cllr A MacPherson
- Cllr I Walters

I interviewed Mrs D Townsend, the Locum Parish Clerk. I also gathered evidence from six members of the public. Whilst it is my normal practice to list interviewees by name, in this case, because many interviewees asked for confidentiality, I have not done that in respect of members of the public.

I invited Cllr Martyn Ford who, I was told, is often present at Willington Parish Council Meetings (presumably in his capacity as a District Councillor representing Willington and Findern and Derbyshire County Councillor representing Etwall and Repton) to talk to me. I did not receive a reply to my email and did not pursue it further.

With the exception of Cllr Paul Cullen, I carried out my interviews in two groups. The first group of interviews took place between 13th November and 4th December 2019 with a single interview (delayed by the General Election and Christmas) taking place on 10th January 2020. This group of interviewees was made up of the Chairman, two other Parish Councillors, the Locum Parish Clerk and six members of the public.

I began trying to arrange to speak to Paul Cullen on 22nd January 2020. We finally found a mutually acceptable date and time to speak some six and a half weeks later on 8th March 2020, a Sunday. This delay meant that the interviews that were still outstanding were themselves delayed. The second group of interviews took place between 8th April and 20th April 2020 and was made up of six Parish Councillors.

6.2.2 Interview methodology

The first group of interviews was carried out face-to-face with my colleague, Karen Potts, observing and taking notes. Those interviews all took place either in the homes of the interviewees or those of family members or friends. Where interviews are face-to-face it is my normal practice to talk to interviewees in “neutral” surroundings, such as council offices or meeting rooms, but in this case several interviewees told me they preferred not to be interviewed in locations where they felt they might be seen talking to me. Because of the COVID-19 pandemic I carried out the second group of interviews by telephone, and without Karen’s support.

With the exception of Paul Cullen, a note was produced as a summary of each of the interviews and all those interviewed were given the opportunity to comment on the note whilst it was still in draft. Several interviewees made comments and those comments were reflected in the final versions of the notes, which were then formally agreed by interviewees and shared with them. Section 8 of the Report contains details drawn mainly from the interviews.

At time of writing, Cllr Andy MacPherson, who was sent the first version of his summary note on 4th May, had not signed off the second version of the note. I told him by email on 13th May that I would regard his summary as signed off if I had heard nothing by 18th May and, although I spoke to him before that date and prepared a second version to reflect his comments during that conversation, I had no response to the second version and heard nothing more. I did not pursue him further and have used the draft second draft as evidence.

My discussions with the first group of interviewees were recorded. Once summary notes had been signed-off by interviewees those became the formal record of each interview and the audio recordings and any written notes taken at interview were destroyed in accordance with (i) best data protection practice, (ii) what was agreed with the Monitoring Officer before my work began and (iii) what was agreed with interviewees. When I spoke to Cllr Tim Bartram for a second time I recorded that conversation at his suggestion. That audio recording has now also been destroyed.

My discussion with Paul Cullen took place at the Donington Manor Hotel in Castle Donington and I was accompanied by Karen Potts as notetaker and observer. It was recorded, with Cllr Cullen's acquiescence, and I believe that he himself recorded the conversation. A verbatim transcript was then produced and shared with him on 5th April – it ran to more than 60 pages. He was invited to acknowledge receipt and make comments. He acknowledged receipt on 16th April.

On 4th May I asked Cllr Cullen by email if he had any comments on the transcript and said that I would assume he was content with the document but would prefer him to confirm that. I said, "It's a long document, written at least in part for your benefit, and errors of transcription may have crept in because of that. If as I complete my investigation I do find what I consider to be material inaccuracies I will let you know and reissue the document. Should you yourself identify or become aware of any material inaccuracies in the document please let me know as soon as they emerge". On 6th May Cllr Cullen replied to say, "I do believe there are inaccuracies in the transcript, but they are as much about process as they are about content".

At time of writing, Cllr Cullen has not made me aware of any errors and, in general terms, I am proceeding on the basis that the transcript is an accurate record as I said I would. Should any question or difference of opinion arise, the audio record will remain until my investigations are complete as the ultimate record. This was made clear to Cllr Cullen when we spoke. Written notes taken at the interview were destroyed in accordance with best data protection practice once the transcript had been produced.

6.3 THE REPORT

After I had completed the preliminary draft of the Report it was twice peer-reviewed – for quality and to ensure consistency of approach with similar cases across the country. Following those reviews, I shared the draft Report with the Monitoring Officer, who commissioned the Report, so that she could ensure that, on its face, it was indicative of a satisfactory investigation and was of the required standard.

I then shared the draft Report and its preliminary conclusions, in confidence, with the Complainants and the Subject Member. I received a response to the draft Report from each of the four Complainants.

The Subject Member acknowledged receipt of the draft Report but declined to comment on it. He was initially asked to comment on the Final Report within eight working days (by 3rd July) – the SDDC “Procedure for considering a complaint that a member has breached the Code of Conduct” stipulates a minimum of five working days – and insisted on an extension to 31st July. The Monitoring Officer offered a further extension of five working days to 10th July (making 13 working days in total). However, the Subject Member said that he would be providing his observations to the Monitoring Officer by close of play on 31st July but would not be communicating with me any further. He subsequently blocked me from sending him emails.

Accordingly, and having received no comments by 10th July, I now submit my Final Report, containing my final conclusions and recommendations, to the Monitoring Officer.

7 CONTEXT OF THE COMPLAINTS

7.1 THE “MEGABUS EMAIL”

What follows in Section 7 below describes a series of events that help the reader to better understand the context in which the Complaints (listed in Section 5 above) sit. It also provides context for other complaints that have been made against Cllr Paul Cullen. I make no comment on these events because they are outside the immediate scope of the Investigation. I leave the reader to draw their own conclusions on the rights and wrongs of what happened.

In late April and early May there was an increasingly tense exchange of emails between Cllr Paul Cullen and then Cllr John Phillips about a proposed car boot sale and the activities of the Dragon pub in Willington. It appeared to me from this exchange that there may have been some “history” between them.

This culminated, on the evening of 4th May (two days after the Parish Council elections), in an exchange of emails using Willington Parish Council email addresses as follows:

4th May – 6.50 pm John Phillips to Paul Cullen (copying other councillors)

“And to be clear Paul WE all look forward to you and your Dad playing an active roll [sic] in the council as you’ve done nothing for months! There is a photo of you and 3 new candidates taken in the pub but it could be coincidence ... thanks for being as helpful as ever. All the best and welcome back”

4th May – 8.01pm Paul Cullen to John Phillips (copying other councillors)

“I haven’t even started yet Johnny boy.

But for the sake of clarity let me be very clear. I won’t tolerate your bully boy tactics like I have done in the past, if you want to go head to head with me at every opportunity and act like a baby, then so be it, but from now on you and anyone else who insists on trying to intimidate me will get it straight back. When you or your daft mates put as much time and effort in as I do then and only then can you criticise, no serving Councillor has been more active than me and no serving Councillor has been more useless than you, you bring absolutely nothing to the table and you are really are [sic] a waste of space, a more worthless Councillor I have never had the misfortune of meeting. I would urge you Johnny boy to do the honourable thing and step down as a Councillor because your [sic] really not very good at it, in fact you’re beyond useless.

Don't reply, you're blocked"

4th May – 9.20pm John Phillips to Paul Cullen (copying other councillors)

"Hi Paul, I've had a call from the Mega Bus They're happy to take all sorts of scum bags and drug dealers back to Liverpool tomorrow ... if you know any please let them know I'll pay... This is a public service broadcast"

Soon after this exchange of emails it appears that Cllr Joe Cullen (Paul's father) shared Cllr Phillips's 9.20pm email more widely in Willington saying that he took "great offence" and suggesting it was a slight on all Liverpool people that Cllr Phillips had suggested that "all people from Liverpool are scum bags and drug dealers". Joe appears to have invited those to whom he sent it to share it more widely. It appears that Joe also posted to similar effect on the Spotted in Liverpool and the Liverpool Echo Facebook groups and shared John Phillips's parish council email address on those fora.

In this way there began a series of events which have severely soured relationships in Willington since then. Please note that I have not attempted to list the emails referred to in this section of the Report in **Annex 1**.

7.2 WHAT HAPPENED NEXT?

Events escalated rapidly after this.

On 10th May Paul Cullen appears to have sent a lengthy email to John Phillips copying in parish councillors suggesting that John Phillips had been guilty of "racist bigotry" and had "racist views". In that email he criticises other councillors for "remain[ing] silent" and suggesting that he "just leave it". He also confirms that he has shared John Phillips's email with Derbyshire Police, Merseyside Police, the press including the Liverpool Echo, the Mega Bus Company and friends and family from Liverpool. He suggests that John's comments were directed at "an entire City" and that they "have had an adverse impact on my wife and my sons". On 11th May, Joe Cullen appears to have sent a very lengthy email to John Phillips, copying in fellow councillors and the Clerk, referring to John's employer and its human rights policy, repeating the allegation that he had made a racist remark and stating his intention to share the details of what had happened with the Daily Mail, the Daily Mirror, the Liverpool Echo and the Derby Telegraph. On 2nd June Joe Cullen appears to have sent an email to John Phillips's work email address.

On 3rd June Paul Cullen states, in an email message to the Clerk, that he "won't allow the vile discriminatory comments to simply drift in to obscurity". It is clear from this email and others that he is trying, at this time, to get the matter discussed at the Parish Council, something that appears to have continued for several months afterwards. On the same day, the Clerk rejects this after taking advice from DALC (Derbyshire Association of Local Councils).

7.3 THE PRESS

There then follows a period of press involvement. I have attached at **Annex 3** the first newspaper article from the Liverpool Echo on 3rd June to provide a flavour of the press coverage of the matter. In that article, where Paul and Joe are pictured wearing Everton FC football shirts, Paul declares his allegiance to and love for Liverpool and is quoted as saying that he "was stunned and outraged by the slurs against his home city". He is quoted as saying that he had written to Derbyshire Police

arguing that it should be “classed as a hate crime”. In the same article there is a photograph of John Phillips, taken from a “council leaflet”. The police response that “the statement, while unpleasant, is not classed as a hate crime under current legal definitions” is also quoted and gives the definitive legal position.

As a result of this article John Phillips receives a number of unsolicited emails to his parish council email address, apparently from citizens of Liverpool. The text below gives a flavour of some of them:

“Fuck you ya little baldy rat cunt wouldn’t last 2 seconds in this city, derbys full of inbreds with 3 arms anyway Peace out CUNT”

“You are a blatant nonce. From a Liverpool resident”

“How dare you!!! Is Derbyshire a crime and drug free zone ??? How dare you!!! You piece of shit peado nonce”.

“You shitbag. Come to Liverpool and shout your mouth off, you shithouse”

On 3rd June, the then Clerk immediately resigned having received an email containing the following:

“.... sack him or face what this city can do when you piss us off xx”

On 4th June, the Liverpool Echo followed up the first article with another with the headline “Derbyshire Cllr John Phillips can expect some fresh faces at his next parish council meeting”. Paul Cullen is quoted as saying, “It looks like there will be some people from Liverpool coming to the next meeting, on June 11, who will want to very clearly ask some questions of Cllr Phillips – some of my friends and family definitely want to challenge him.” The article goes on “But he said those in attendance will be well-mannered and will behave correctly. He added, “Cllr Phillips clearly already has his own prejudiced ideas about Liverpool so we don’t want to feed into that and anyone who comes along will act in an appropriate manner”. A similar article, with the same photograph of Joe and Paul, appears in the Derbyshire Telegraph on 4th June. I understand that the Derbyshire Telegraph and the Liverpool Echo are part of the same media family. Further abusive emails followed.

Also on 4th June Joe Cullen is alleged to have posted a message on the “Spotted Willington” Facebook page (which is curated by Mrs Sue Carter) saying “If you keep removing my post then you leave me with no choice but to send the article to [John Phillips’s employer]”. I have been told that this post was removed very quickly by Joe Cullen though I have seen a photograph of it which remains as evidence.

7.4 JOHN PHILLIPS RESIGNS

On 6th June John Phillips resigns as a Willington Parish Councillor. His email of resignation, sent to the Chairman, reads, “Due to safety concerns for my family following recent newspaper articles I resign from WPC effective immediately”.

When the Chairman shares the news with other councillors Paul Cullen replies, “Fantastic news, Johnny S Phillips and his vile discriminatory views have no place in today’s society and absolutely

not on Willington Parish Councillor [sic]. I am however very disappointed by the wording of his resignation, acting like he is the victim and the lack of an apology. Maybe something like “Due to the unfortunate choice of words I used in my email dated 5th May, in which I made some unforgivable comments about the people of the great city of Liverpool, where I referred to them as scum bags and drug dealers, I feel the appropriate course of action would be to tender my resignation with immediate affect [sic]. I would like to apologise unreservedly to the people of Liverpool for my choice of words and to the people of Willington for the embarrassment and shame I have brought on the village”. Now that would have been much nearer the mark”.

The resignation is reported in a third article in the Liverpool Echo on 10th June which reuses much of the copy from previous articles. A further article in the Liverpool Echo on 11th June again reuses copy and photographs and reports that John Phillips has “quit his position but is refusing to apologise”. It repeats the earlier suggestion that Liverpool-based friends and family of Paul Cullen had been invited by him “to this week’s meeting of Willington Parish Council as they intended to ask Cllr Phillips about his comments. Cllr Cullen said this would have been done peacefully, adding: “Cllr Phillips clearly already has his own prejudiced ideas about Liverpool so we don’t want to feed into that and anyone who comes along will act in an appropriate manner”. The resignation is then reported (similar copy, same photograph) in Derbyshire Live on 11th June.

Minute 346/19 Public Speaking including County, District and Police Representation of the Parish Council Meeting of 11th June reads, “A Resident raised the issue of an email sent from a Parish Councillor and reported in the Liverpool Echo, and asked how this could be dealt with. A Councillor responded that this should be dealt with in an open Meeting. The Chair responded that as the Councillor had now resigned, this matter was private, and could not be discussed in an open meeting due to breaching privacy laws”.

At the Extraordinary Parish Council Meeting on 25th June Mrs Nicola Phillips made the following statement (set out below but repeated here for the sake of completeness):

“As a result of the decision by Paul Cullen and Joe Cullen to publicise a wholly one sided version of what was quoted as a “tense exchange”, including posting false, defamatory statements in regional media and sending vexatious emails to people in our village, my family has faced six weeks of abuse and threats of violence against us and our home.

“Paul Cullen has shown no remorse that following his decision to create these articles that threats had been made not only to my family’s safety and our property, but also the personal safety of the previous clerk who was forced to resign. His final reported comments following my husband’s resignation from this council were “It is somewhat disappointing that the reason he states for his resignation was safety concerns for his family”.

I would like to ask Paul Cullen what sort of serious an incident [sic] would he have liked to have seen where he would not have been (again in his words) “somewhat disappointed”?

The opinions of what Cllrs Casey, Blanksby and Bartram and Paul Cullen himself thought about the meeting of 25th June are set out in Section 8.2 below.

8 FINDINGS – 24th SEPTEMBER MEETING

8.1 MINUTES OF MEETINGS

The Minutes of the 24th September Extraordinary Parish Council Meeting are available on the Willington Parish Council website. “Minute 458/19 Public Speaking, including County, District and Police Representation” reads as follows:

“A Resident asked why there was another Extraordinary Meeting – she understood that they should be for matters which could not wait for the next Ordinary Meeting on grounds of urgency. She pointed out that Councillors were there for the local community, and it was obvious that there was a great divide within the Council. The Clerk responded that normally an Extraordinary Meeting would be called to discuss urgent matters. However, if the Chairman agreed to a request to call a Meeting, with his agreement, any item could be added to the Agenda. The Chair added that it was important that the Council worked as a team, and all Councillors needed to work together.

“A Resident quoted from the Locum Clerks Report submitted to the Council 10.09.19, and said they were concerned over the high turn-over of Clerks, and if Councillors weren’t working for the benefit of the Parish, what was their agenda. She asked how the Meeting was going to take on points from the report to improve matters, and carry out their responsibilities as Councillors.

“Cllr P. Cullen moved to a position within the area reserved for the Public, and stated that he was speaking as a Parishioner. He said that he was forced to listen to one-sided bias views from the wife of a former Parish Councillor who consistently asked what was the agenda of Councillors. He stated that she needed to go home and ask her husband and also a current Parish Councillor what their agenda was. Cllr P. Cullen reported that he was 100% for the village and refused to have his good name tarnished.

“The Chair repeatedly asked for Cllr P. Cullen to stop as it was not the forum to bring individual personal issues up, as had previously been advised. ~~An argument between the Resident and Cllr P. Cullen ensued, joined by Cllr J. Cullen~~ [sic]. The Chair asked all parties to stop and asked for calm, and for the Meeting to continue. He added that Councillors were there to do a job.

“A Resident advised the Council that he was new to the area, and his opinion, the Meetings were a “car crash”, and embarrassing. He added that the behavio[u]r and some of the statements he had observed would be unacceptable in the work place. The Parish Council need to work together”.

Minute 476/19 of the 8th October 2019 Ordinary Parish Meeting reads, “To confirm and agree as a true record the non-confidential Minutes of Willington Parish Council Extraordinary Meeting held on Tuesday 24th September 2019. RESOLVED to agree and sign the Minutes as a true and accurate record, subject to an amendment to Minute Number 458/19 (para. four), to take out the sentence “...An argument between the resident and Cllr P. Cullen ensued, joined by Cllr J. Cullen”.

Witness B said that at the 8th October meeting, “when it came to the time to sign off the minutes of the 24th September meeting Paul Cullen had said that he disagreed with the minutes. He had demanded verbatim minutes. [The Clerk] had replied that they were almost verbatim. He wanted the word “argument” taken out (even though it was clear that there had been an argument). Witness B did not believe that the minutes had actually been signed off. The discussion about the

minutes had gone on for an hour and Witness B had seen members of the public shaking their heads. This kind of behaviour had turned the Parish Council meetings into a “circus”. It should be like “the Vicar of Dibley”. In fact, it was “outrageous”.

8.2 WITNESS A

Witness A said that the meeting was “one of three or four Extraordinary Meetings that had been called by Paul Cullen in recent months”.

Witness A’s statement then reads: “Nicky Phillips and her mother, Sue Carter, were amongst around 20 parishioners who were in the public area of the meeting. After a contribution from another parishioner Sue Carter said that it was about time that the Council started to act for the benefit of the village. Nicky Phillips was sitting next to her mother at the front of the public area on the end of a row and there were three vacant seats next to Sue Carter. Nicky Phillips then read a prepared statement which was similarly critical of the Council but did not name particular councillors. [Witness A] did not believe that either Nicky Phillips or Sue Carter were trying to wind the situation up.

“At this point Paul Cullen indicated that he was going to speak as a parishioner, stood up and started to speak. [The Chair] asked him to sit down but he continued speaking as he walked to the public area. He sat at the end of the row where Nicky Phillips and Sue Carter were sitting and berated Nicky Phillips and suggested that she needed to have a hard look at her husband.

“([Witness A] did not recall what was said.... Paul Cullen’s proximity, attitude, tone, body language and words were intimidating. Nicky Phillips replied to him and there was an exchange of words. [The Chair] then spent a few minutes trying to get the situation under control and asking both Nicky Phillips and Paul Cullen to stop. [Witness A] felt that Paul Cullen was abusive towards Nicky Phillips – he called her and her husband out and thus breached the Code of Conduct. [Witness A] thought that Joe Cullen joined in too, but the recording would confirm what was actually said and by whom. Caroline Blanskby and Ros Casey stood up and applauded which did not help the situation. The audio did not really capture the tension in the room which was electric.

“After that, a third parishioner, new to the village, then also said that the meetings were a “car crash” and “embarrassing” Witness A agreed with that sentiment”.

8.3 WITNESS B

Witness B’s statement notes that there were three people recording the meeting. Nicky Phillips and Sue Carter, were sitting in the public area and there were several empty seats to their left.

It goes on: “The Chair opened the meeting up to public speaking. Sue Carter stood up and asked why there was a need for an Extraordinary Meeting and who had called for it. The person who had called the meeting declined to let it be known they had called it. The Chair gave an explanation of why Extraordinary Meetings took place.

“Nicky Phillips then spoke about the Clerk’s report which had come out a couple of months previously and which had set out what [the Clerk] thought was wrong with Willington Parish Council. Witness B thought that the report was a good one and had been exactly right about the

problems within the Council. It opened up to the public what [the Clerk] thought was going wrong as a professional clerk”.

Witness B’s statement then reads: “Nicky Phillips read her statement out. In summary, and without mentioning any names, she said that she found it upsetting that “certain councillors” were not working with the Clerk. The Chair then thanked her for her contribution and invited further contributions. After a short gap Paul Cullen stood up and said that he would like to say something but that he would like to say it as a member of the public”. Witness B [wondered] “how can you do that?”. He was a Parish Councillor at a Parish Council Meeting. He could not suddenly decide he was not a Parish Councillor and go and say something as a member of the public without breaching the Code of Conduct. Witness B had [personally] been subjected to criticism from the public but had had to bite [their] tongue and allowed them to get on with it without replying.

“Paul Cullen then walked out into the public section and sat down with one vacant seat between himself and Sue Carter and turned towards them. He said that once again he had had to listen to biased remarks about himself (Witness B thought [at the time] that Nicky Phillips had not mentioned him at all). “I am not having it. I am being attacked by the wife of a former councillor. She needs to go home and speak to her husband and forget about it”. It was obvious in the way that he turned towards Nicky Phillips that he was attacking her.

“The Chair (and Clerk) then said “Paul, you can’t do this, you need to sit down”. Paul Cullen carried on “yawping” [He] then stood up and returned to his seat and as he was doing so [the Clerk] said “Paul, have some respect” and he replied to her, “I’ll have some respect if you show me some respect”.

“Caroline Blanksby then stood up and “clapped like an obsessed seal” Joe Cullen then referred to having been verbally attacked by a mob at the previous meeting that had been present to support Nicky Phillips and her husband.

“That night at that meeting Paul Cullen had gone out into the public area and turned his body towards Nicky Phillips and an argument between them had ensued. Nicky Phillips had been quite strong in coming to the Council after what had happened between her husband and Paul Cullen. The Cullens had persisted in trying to get the Parish Council to apologise for her husband’s actions even though it was a private matter at the time”.

8.4 WITNESS C

Witness C said in their statement: “The Council was seated in the normal horseshoe. Nicky Phillips made a statement ... Nicky’s husband, John Phillips, [had served on the Council] for a couple of months before he resigned”.

Witness C recalled that ““Paul was losing it” as a result of Nicky Phillips’s statement during public participation. She had said something “quite generic” about the need for the Council to get on for the benefit of the village and for “more harmony within the Parish Council” though Witness C did not recall exactly what she had said. Witness C did not feel that Nicky’s comments were aimed at anyone in particular, in fact Witness C agreed with them!

“The next moment Paul Cullen got up and went and sat next to her to intimidate her. He started shouting and making it very personal against Nicky. Witness C would have been “petrified” by his behaviour. Nicky stayed very calm and calmly answered him whilst the Chair tried to get Paul Cullen to come back and sit down”.

8.5 WITNESS D

In their statement Witness D recalled that “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, [Nicky Phillips] 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, Paul Cullen 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 [Nicky Phillips] was sitting and sat one or two chairs away from her.

“Then, “in what felt like an aggressive and confrontational manner”, [he] responded to what [she] said, though Witness D could not recall his exact words 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”.

“Nicky tried to defend herself, though Witness D 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 Witness D’s perspective “It was completely and utterly out-of-order and the wrong thing to do”. It appeared to Witness D to be “a complete breach of the Code of Conduct for a Parish Councillor”.

“Paul Cullen was eventually persuaded by the Chair and the Clerk to return to his seat, but Witness D could not recall any details about that”.

8.6 COUNCILLOR ROS CASEY

Ros Casey’s statement includes the following: “there were raised voices, Paul Cullen had raised his voice. This went back to the previous meeting when Nicola Phillips, her mother and sister and other parishioners had “pulled Paul apart” in the public speaking section of the meeting and had been “disgustingly rude and nasty about him” and said “vile things about him” in front of the public.

“Paul had received no support from the Chair at that meeting at the way he had been pulled apart when they ought not to have been allowed to make those statements. It was a “personal vendetta” that the Phillips family had against Paul and they had used the entire 15 minutes of public speaking to pull him to pieces. It was embarrassing. Ros had felt physically sick and had wanted to walk out. He had sat down and taken it.

“So, Paul was upset, he was angry at what had happened at that meeting. Melvin Kenyon asked why Ros thought that Paul had decided to speak as “a parishioner. Ros replied that she thought that was because he was not allowed to speak during the public speaking part of the meeting as

a councillor and “he wanted to put his side across”. He wanted to be afforded the same opportunity to speak as they were.

“Melvin asked whether what Paul had said and done could be interpreted as a “personal attack” on Nicola Phillips. Ros replied that “he had not used her words or pointed his finger at her Obviously, he knew who he was talking to”. Melvin said that he recalled (though he had not listened to the audio recently) that Paul had said something such as “she needed to go home and talk to her husband” though he could not recall the exact words. Ros replied that she did recall that, “he definitely did raise his voice, but I wouldn’t say he was intimidating or aggressive”. Ros could understand why he might say he “was sick of it”. Ros said that she had found Paul to be a reasonable person with a responsible job. She did not know why there was a vendetta against him and how people could dislike someone so much. It was “awful”.

“Melvin suggested that the Phillips family might have felt threatened as a result of the “Megabus incident” – he had himself seen material out of Liverpool (emails etc.) that had made threats against them and made them feel intimidated. Ros replied that John Phillips had “brought it on himself” though it ought not to have gone as far as the newspapers. However, she thought that what had happened would still have happened because “these people were so intent on nailing [Paul] to the cross”.

8.7 COUNCILLOR CAROLINE BLANKSBY

Caroline Blanksby told me in her statement that she “remembered the incident very well. At the previous meeting Nicola Phillips and her mother “read out a statement that was appalling and shocking, it was disgusting, she tried to make out that she and John Phillips were the victims”. The statement had come about because Nicola’s husband had called Paul a scumbag and a drug dealer in an email. “I was shocked that she had the audacity to stand up and read out a statement painting herself and John to be victims. I was horrified. She said that he had had to step down and it was in the best interests of their family. There was no remorse, no shame”.

“At the 24th September meeting Paul had then got up and walked to the public area. He read out a statement he had prepared. He said he was going to speak as a member of the public. His statement was “very good, very accurate and very reasonable”. Nicola constantly tried to speak and interrupt him, but he ignored her and carried on speaking. “When he had finished I stood up and clapped because of all the abuse he had had. Because of that, I received a complaint about my inappropriate behaviour”.

“Melvin Kenyon said that he had listened to the audio of the incident. There had been (his words) “a bit of a kerfuffle” and the Chair and Clerk had gently invited PC to come back to the Council table and sit down. Caroline replied that the Clerk had “shouted at him – “shut up, shut up” I think she said (it was Deb’s favourite word)”.

“Melvin asked Caroline to confirm that she was talking about the meeting of 24th September and [she] confirmed that it was”.

8.8 COUNCILLOR TIM BARTRAM

“Tim Bartram 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 Tim did not know, had had a right go at Paul 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”. Tim would have himself left the meeting if it had been directed at him.

“With this in mind Paul had done exactly what he was entitled to do at the 24th 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 Paul.

“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.

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

“Tim said Paul 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 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”. Tim did not think that Paul had used inflammatory language. Melvin said that [Paul] appeared to have said he was “sick of it”. Tim replied that he too would be sick of it in the face of abuse that was not stopped by the Chair.

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

“Melvin 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. He had seen some of that material and it was not very nice. Tim said that he did not think that that had been Paul’s fault, “John Phillips brought that on himself” and had then played the victim.

“Tim 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 who had breached confidentiality about a permissive right of way by the river”.

8.9 COUNCILLOR ANDREW MACPHERSON

Andy MacPherson recalled the alleged incident. His statement reads as follows:

“It had stemmed, Andy said, from a statement which the Clerk had presented at a previous meeting as a professional as to how she saw the Parish Council and what her frustrations were. Some of the councillors had ignored what she had said or challenged it as unacceptable.

“The report should just have been read and absorbed and possibly acted on. Nicola Phillips had seen that this was not happening. She was speaking from a pre-prepared statement in an attempt to support the clerk and bring the Parish Council back in order.

“Paul Cullen did not think the statement was acceptable and that it was directed at him. However, the content was not inflammatory or derogatory and it was not pointed at anybody, “it was general as to the way we ought to perform”. Melvin Kenyon pointed out that Nicola was speaking against the backdrop of the “Megabus email” which her husband, John Phillips, had sent which Andy acknowledged.

“Paul reacted by getting up from his chair and going into the public area to put the counter argument. However, “he wanted to say it as a parishioner and not as a restricted Parish Councillor”. Paul had the opinion that, by doing that, he could then speak totally openly because he was speaking as a parishioner. He could then say and do what he wanted. Andy recalled that Paul “sat fairly close to Nicola Phillips and looked across at her”.

“Melvin asked Andy if he agreed or disagreed with the statement in the complaint that Paul “made a personal attack and did it in a threatening and intimidating manner”. Andy confirmed that he concurred with that interpretation. Andy said that, as a councillor, you could not change your head and suddenly become a private individual. Simply moving from one position to another made no difference. This was something Paul had done on previous occasions though he had not always physically moved himself to the public area to do it and had instead said that he was “now speaking as a parishioner”.

“What [Paul] did had made “a farce of it”. Those who had been around for some time knew that you could not “swap your head” and “come out of protocol”. By physically repositioning himself he felt that Paul was saying, “I will say what I want when I want to say it”. In Andy’s view councillors had a reputation to uphold and needed to behave appropriately even when they were not in a council setting”.

8.10 WITNESS E

Witness E made the following statement about the alleged incident: “On 10th September the Clerk presented her report about the way in which the Parish Council functioned and made a number of observations and recommendations. It was clear, straightforward, and fair and described the difficulties the Clerk was having being bombarded with emails. Joe Cullen challenged the Clerk on the contents of the report. It was decided that this was not the time to discuss it.

“At the 24th September Parish Council Meeting Nicky Phillips made a statement about the report. Sue Carter was sitting beside her and there were two empty chairs next to Sue on the other side. Paul Cullen, who was sitting at the table at the end of the room where the councillors were sitting, “stormed up” saying he was no longer a councillor but was now a member of the public. He stood at the end of the row of chairs with two chairs between him and where Sue was sitting. He did not look at Nicky or Sue though his body was angled towards them. He did not name Nicky but talked about the wife of a councillor who had resigned. Everyone knew who he was talking about. It was “totally, totally inappropriate”. Paul “got so close [to Nicky and Sue] [h]e was “angry”, and his body language showed that.

“Nicky said little in response except to state how she felt. It was reported in the minutes that there had been “an argument” but there had been no argument. Witness E felt that Paul had chosen to present himself as a parishioner to give himself the freedom to behave like that. He had done it once before though Witness E could not recall when”.

8.11 WITNESS F

Witness F made the following statement: “The Clerk had made a report at the previous Council Meeting and Nicky Phillips spoke in support of that report. She made no personal comments about anyone. She felt the need to support the clerk because she had stood up publicly “to tell it like it is” Paul Cullen had never reacted like that [as he did at the 24th September meeting] previously.

“After Nicky spoke the Chair asked if anyone else had anything to say before he closed the publicspeaking section of the agenda. Paul Cullen then jumped up from where he was sitting and said that he was going to be speaking as a parishioner, a member of the public. He then came down to where Nicky and her mother were sitting on the front row of the public area. He sat (or possibly stood?) very close but a couple of seats away from Nicky. He then verbally “went on about [her]”. [Nicky later said] she felt intimidated because he was physically close to her and was talking about her though he did not mention her by name and did not really look at her.

“He said something like “She needs to go back home and speak to her husband” and she was “consistently speaking about him”. She challenged Paul and asked him what he meant by “consistently”.

“Paul then carried on talking about Nicky. The Chair and the Clerk tried to stop him, and Nicky appealed to them and said it was a personal attack on her and that public speaking was supposed to be linked to the agenda. What he was saying was unfair in a public meeting. However, Paul carried on talking even though he had been asked to stop.

“Melvin Kenyon asked Witness F what Paul Cullen’s demeanour and gestures were like when he spoke. Witness F replied that he was “angry”. He had drawn on what he said at the July 24th Meeting and appeared to be speaking unplanned. Maybe three other councillors, including Cllr Caroline Blanksby, stood up and clapped Paul It felt like they were “ganging up” on Nicky.

“Nicky [later said] she felt upset by what Paul had said in such a public way. She had not deserved it. [She said that] his use of the word “consistently” had also upset [her] because he was giving the impression that she had done wrong on several previous occasions when she had not.

“It felt as if Paul could do whatever he wanted to do. Witness F could not understand how Paul could suddenly jump into the role of a parishioner and say whatever he wanted to say. It did not feel fair that [Nicky] was being talked about in such a public way and in breach of the code of conduct.

“[Nicky] had spoken about Paul at an earlier meeting on 25th June when [her husband John was to be] the subject of an agenda item – a complaint about a member of the public. She had said the following:

“As a result of the decision by Paul Cullen and Joe Cullen to publicise a wholly one sided version of what was quoted as a “tense exchange”, including posting false, defamatory statements in regional media and sending vexatious emails to people in our village, my family has faced six weeks of abuse and threats of violence against us and our home.

“Paul Cullen has shown no remorse that following his decision to create these articles that threats had been made not only to my family’s safety and our property, but also the personal safety of the previous clerk who was forced to resign. His final reported comments following my husband’s resignation from this council were “It is somewhat disappointing that the reason he states for his resignation was safety concerns for his family”.

I would like to ask Paul Cullen what sort of serious an incident [sic] would he have liked to have seen where he would not have been (again in his words) “somewhat disappointed”?

“Witness F did not recall Paul reacting to that statement though Witness F believed that he had spoken about Nicky in her absence at a subsequent meeting.

“In summary this had been very upsetting for the [Phillips] family. The Cullens’ behaviour went wider than [the Phillips] family and had gone on for several years”.

Witness F then went on to give examples of the alleged behaviour of the Cullens.

8.12 WITNESS G

Witness G said in their statement that: “Nicky Phillips had thanked the Clerk 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.

“Paul Cullen had then jumped up and had gone to the front of the meeting and said that he wanted to respond to what Nicky had said “as a member of the public”. Witness G 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 Nicky and Sue Carter. Nicky was on one side, Sue was in the middle and Paul was right next to Sue. Witness G would personally have found that intimidating because he was “a big, tall bloke”. He was obviously “really angry” and was pointing his finger towards Nicky.

“Nicky is the wife of former Councillor John Phillips who had resigned subsequent to the “Megabus” email and the article in the Liverpool Echo. Witness G knew little about that and what had happened between them Witness G had heard Paul say that Nicky 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.

“Nicky did react to Paul 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. Paul then finished what he was saying. Councillors Ros Casey and Caroline Blanksby stood up and applauded.

“The Clerk had said that Paul needed to show a bit of respect for the Chair Paul 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 Paul 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. Witness G did not know who that person was. This was minuted Witness G had been astonished at the behaviour and [was concerned that] something more serious happened.

“Melvin Kenyon asked what adjectives Witness G would use to describe Nicky and Paul before, during and after their exchange. Witness G said that Nicky 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 Paul 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 Witness G not to be relevant to what Nicky had said. Witness G asked [themselves], “What’s going on? She hasn’t said anything”. Witness G 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 as if it was the straw that broke the camel’s back, and he would get very angry and have to respond”.

8.13 COUNCILLOR PAUL CULLEN

When I spoke to Paul Cullen I described the complaints that had been made about his alleged behaviour at the 24th September meeting and told him that I had listened to the audio recording of that part of the meeting. I asked him if he recalled the meeting. His reply was captured in the (as yet unconfirmed) transcript of our conversation (see 6.2.2 above) and is set out below. Please note that this differs in some small details from the transcript already shared with Paul (which he had not signed off at time of writing) because I felt that absolute accuracy was important here:

“PC – I remember it very well. The issue here, the particular Parishioner, this is John Phillips’ wife, her name is Nicky Phillips. At the meeting, to give it a bit of background, in the Extraordinary Meeting in June, this was after her husband resigned from the Parish Council following the “scumbag and drug dealer” email. After he resigned, his wife and mother in law, who comes to a lot of meetings, I believe she is a Parish Councillor in another Parish. At the Extraordinary Meeting in June, they stood up. Mark Bartram who wasn’t a Councillor at the time but he’s a very good friend of John Phillips. John Phillips’ cousin, a lady called Alice Wilmott who is Pat Jenkinson’s next-door neighbour. Pat Jenkinson, although you may not have heard her name, is very pivotal in all of this, she is Ian Walters’s and Mark Bartram’s mother in law. It was her daughter who reported me to the Fire Service. So, there were a number of people at that meeting, Nicky Phillips

included who stood up and it was an Extraordinary Meeting, I can't remember what the agenda was.

[In commenting on the Report whilst it was in draft one of the Complainants stated that Paul Cullen's assertion that Pat Jenkinson's daughter reported him to the Fire Service was "a complete lie and if anyone were to try and find any kind of evidence they would not succeed because it didn't happen. Surely you need some kind of evidence to prove this accusation?"]

MK – Was this in June?

PC - Yes, they stood up and they joined public participation and they made a verbal attack on both myself and Councillor Joe Cullen about conduct, about behaviour, there was some general comment about the conduct of the Council but I think it would be fair to say, the main thrust of it was surrounding me and my dad. I sat there and listened to it and I never uttered a word. There was no acknowledgement from any of them of any wrongdoing by their loved one, John Phillips. It was really everybody else's fault except his. That did cause me some frustration. So, that was in June. July, I can't remember if there was a meeting or not but in September, I said to Deb Townsend, I want to speak in public participation, I'm not speaking as a Councillor, I want to make some observations of my own. I said, "Can I do it?" She said that I could. This is Deb Townsend the Locum Clerk.

MK – She said you could?

PC – She said I could. She absolutely said that I could. In fact, if I remember, although at that point in time I was neither audio nor video recording meetings. I spoke to her prior to the meeting and then she spoke to the Chair who was Phillip Allsopp and then when we got to public participation there was a couple of members of the public who made comments about various things and then Phillip Allsopp said to me, I believe Paul wants to say something.

MK – I'll revisit the audio.

PC – I don't think you will find any audio from the June meeting.

MK – Oh, we are talking June, are we? I was in September.

PC – What I'm trying to do is, I'm trying to paint you a picture of why I believe what I did on that evening wasn't extraordinary, I'd done it before and with approval. That is the actual transcript [Paul produced a document] of what I said at the June meeting with approval from the Clerk and the Chair and that is actually captured in the minutes of the June meeting.

MK – All of that?

PC – Well no, the transcript isn't captured, it just says that Councillor P Cullen spoke as a member of the public during public participation. I have got minutes somewhere. So that is the transcript that I actually said at the meeting in June and what I did, was make reference to all of the allegations. No, I didn't say it in June, it was said about me in June and in September, so in September, it will be captured in September's minutes, I actually read this out with approval.

MK – So that, that piece of paper, is what you said when you spoke as a parishioner on the 24th September.

PC – 24th of September is not when the allegation is made against me is it?

MK – Yes.

PC – Then no. In answer to your question, this is at a prior meeting.

MK – This is at the Extraordinary Parish Council meeting on 24th September a Parishioner made a statement, pretty sure it is, about the need of the Council to I've got the text what was said, Paul.

PC – I understand that one, they're not the same meetings. If the dates are important then I'll find that out.

MK – What is important actually is this meeting, the 24th of September.

PC – At a previous meeting, with approval of the Clerk and the Chair, I stood up and spoke about comments that had been made about me during public participation at a previous meeting, OK? So that was that. The important thing in all of this is that I get no support from the Chair. I actually said to the Chair after that meeting where I did this. I said every time they were very personal attacks, Paul Cullen, Paul Cullen, Paul Cullen and the Chair never intervened once. In public participation, you can only discuss and comment on items on the agenda. Paul Cullen wasn't an agenda item at that meeting but the Chair, because of his dislike for me, I suspect, allowed them all to make those comments about me. At the meeting in September when Nicky Phillips started to make her comments about an item on the agenda and it was very clear who she was talking about. I'd done it in the past, I'd spoken as a Parishioner during public participation with the approval of the Clerk, Deb Townsend at the time and it is now, and the Chair, Phillip Allsopp. I sat as the public, I never once directed any of my comments to Nicky Phillips. I addressed only Council in response to the comments that had been made. Nicky Phillips wants to go around the village whether it be me as a Parish Councillor or me Paul Cullen parishioner of the village and make allegations about my conduct and behaviour and accept no accountability for what her husband did in that email. Likewise, her mother and his mother in law, Sue Carter, so it appears that there is now a family vendetta against me by that particular family. I was very clear what I was saying to Council that I did nothing, I wasn't the orchestrator of that email for him to refer to me as a scumbag and a drug dealer and if she wants a resolution on this, you've got the transcript there, then the place to come wasn't the Parish Council asking those questions, it was to ask her own husband, because that's the place where she would find it, not me, I don't know why he did it. If the Parish Council was to move on, it wasn't by allowing Nicky Phillips to come during public participation and discuss things that were not on the agenda. I actually said that to Phillip Allsopp after the previous meeting. You can't allow people to continuously come and there are occasions when he's said to people, "That is not on the agenda", and he will not allow them to speak on it but it seems when the topic is directed at me, he's quite happy to waive that.

MK – What was actually said, was "I was at the last Parish Council..... And you shouldn't conclude Paul that Nicky has herself complained about this. There are four complaints about it.

PC – But you're not investigating all of them?

MK – Yes, because they are all about the same issue. LAC/94, 95, 96 and the letter.

PC – But the letter is for 77.

MK – It was a device; it was written by the person who raised 77. OK? And they wrote further to that complaint. I can't show you the letter, obviously. I wouldn't worry too much about the letter, the point is that 94, 95 and 96 and the letter appended to 77, all address this issue, this incident.

PC – If one of the complaints are from, and I know you can't do anything about this personally, but if one of these complaints is from the Parish Clerk then we shouldn't be discussing it because she's the very same person who has prevented me from obtaining professional legal advice by denying me the opportunity for me to have it as an agenda item. So I wanted it including as an agenda item and I've got the actual wording I keep sending through to her and she's saying I'm not putting it on the agenda which is perverse if she's the person who has put a complaint in about me has prevented me from seeking professional legal advice to defend myself.

MK – Well if it came to it Paul and it were relevant, you'd have to raise that at a Standards Committee - if it came to that.

PC – I wanted to put a complaint in about Debs Townsend and Willington Parish Council's complaints procedure said that complaints about the Clerk because in essence she is our only employee. Well not in essence, she is. Because there was a meeting that they held which wasn't quorate and there was two Councillors and more so the Clerk because she should have known that she's there to advise Council and I was told that the other two Councillors were John Houghton Vice Chair and Phillip Allsopp, Chair. The three of them had a meeting where they conducted business and made recommendations to full Council. I wanted to put a complaint in about Deb Townsend's conduct and what does our complaints procedure say? It says I have to submit it to the Chairman, well the Chairman's complicit in the complaint I want to make about the Clerk. So then what does it say? The Vice Chair well actually it's the three of them and they wouldn't allow me to make a complaint to another body. I can't complain to Ardip Kaur because she doesn't receive complaints about employees. I'm just trying to give you a flavour of where I am. To this day, I just haven't been able to resolve that. I'm not asking you for an answer Melvin, I'm trying to give you a flavour of what's happening.

MK – Yes, I understand. I understand what you're saying.

PC – The person who is making a complaint against me is the person who actually she should declare it to full Council, she shouldn't really be having any dealings with me per se because she should declare it to the Chairman who should then remove her. I shouldn't even be communicating with this woman and now she's saying, "You're not having professional legal advice" well actually, that's not for you to determine, that's for full Council to determine because it says 14.1.c in Standing Orders that I can.

MK – May I read out what was said?

PC – Yes, sure

MK – It says, "I was at the last Parish Council meeting and heard first-hand the Clerk's report. Following valid points were put forward by the Clerk. The Clerk is there to assist the Council to move forward in a positive way. I can only see this as a good thing. Worryingly, there has been a

high turnover of Clerks, I think this needs examining as to why. The Council is not functioning effectively, positive outcomes are difficult to achieve.....”

PC – Sorry Melvin, it’s at that point, I’m just playing devil’s advocate but it’s at that point that Phillip Allsopp should have said, “Sorry, public participation should only feature items which are in the agenda.” He didn’t. He told me he was going to. He didn’t.

MK – OK.

MK – [continued] “Positive outcomes are difficult to achieve not always working for the benefit of the residents. If Councillors aren’t working for the benefit of the Parish, who are working against the Clerk and other Councillors, I’d like to know what their agenda is. I was saddened to hear the Clerk has not been treated in the best way by some Councillors. I think we owe the Clerk a debt of gratitude for the work she has put into the report and how she wants to assist the Council to move forward for the ultimate benefit of all Parishioners. I’d now would like to say how this meeting proposes to take on board what the Clerk in good faith has said and carry out their responsibility as Councillors, so they are all working for the good of Willington.” I think that was when you made your public statement.

PC – Public statement. Acting as a Parishioner, in fact I actually said this as I stood up when Phillip Allsopp said, “Does anybody else want to make comment?” I was waiting for anyone else from the public to stand up which they didn’t. So, I said “I do but I want to speak as a Parishioner”.

MK – Why did you want to speak as a Parishioner? Why didn’t you speak as a Councillor?

PC – Because, firstly Councillors can’t respond to public participation. So as a Councillor, we have to discuss it as a corporate body before we give a response. If I responded to her as a Councillor, I would only be giving her my view and my opinion which is unfair, which Phillip Allsopp does all the time because I told him that you can’t do that. Deb Townsend does it all the time. Can’t do it. She was asked about an Extraordinary Meeting one time and Deb Townsend said “Absolutely, one hundred percent, Extraordinary Meetings are only for urgent business.” I said to her “They’re not”, well I said after the meeting they’re not. I didn’t say anything to her at the time. I said “First of all you shouldn’t be responding to the public, you might want to put it on the agenda for next meeting or give them a written response or put something on the website but you can’t give....and you’re not there to respond anyway. You’re there to advise Council. So, in answer to your question, that’s why I didn’t. My assumption was, I’ve already done it in the past with approval from Council and actually you will probably know more about these things than I do. I have to look and study and look for these pieces of legislation but for me to speak, if I declared an interest in an item, I’d be declaring an interest on an item of the agenda. Then I can speak on it, in certain cases only with approval where I have to write for dispensation. In that particular instance where a member of the public says something which a Councillor doesn’t necessarily agree with there is no other way for them to respond to it other than to speak as a Parishioner. Quite simply, it’s not Willington Parish Council Standing Orders it’s the Local Government Act, it doesn’t allow anything else.

MK – Why then did you respond at all?

PC – It was borne out of frustration. Nicky Phillips isn’t remotely interested in what’s good for the village moving forward in terms of the best eleven people round the table and the best Clerk. I

knew what Nicky Phillips was doing, she was seizing an opportunity supported by Phillip Allsopp, not necessarily supported by him but not addressed by how it should be chaired. It would be fair for me to say, if you watched and I don't want you to pass judgement, but it would be fair for me to say as a Councillor, that he's a very weak Chair to the point where he's incompetent. Now also we don't have a very good working relationship which is John Houghton, who is the Vice Chair who I actually would say is an excellent Chair. OK? So, this is not about whether I think Phillip Allsopp is a great person or not, because I don't. I think he's a pathetic, incompetent Chair. I actually don't like John Houghton and he doesn't like me but he's an excellent Chair, I concede that. I would much rather, come the May election that John Houghton is voted in as Chair and not Phillip Allsopp. Phillip Allsopp had the opportunity to stop all of that prior to it happening and you would argue that Paul Cullen had the opportunity to.

MK – I might ask you that question rather than argue it.

PC – Look there are things that have happened we spoke earlier on. If that had been anybody else other than the wife of the person who had referred to me as a scumbag and a drug dealer and to this day has made no apology for those comments, then I expect my reaction would have been different. But I still don't think it was inappropriate.

MK – Certainly when I listened to it, it sounds heated.

PC – OK, first of all then I never once, I didn't even turn to look, both Sue Carter and Nicky Phillips were there. I didn't address them, I didn't look at them, I addressed Council, so that everything I said was to the ten people sitting in front of me and the Clerk. At that point, the Clerk and I have no idea why, I get why Phillip Allsopp would do it I don't understand the Clerk would do it decides that she is going to start shouting at the top of her voice, "No Paul, no". I don't understand why a Clerk would do that. It's not within her role. The Chairman by definition is there to chair the meeting. She may well have wanted to say to Phillip Allsopp, "I think you should stop this".

MK – He did try to; I've heard him trying to.

PC – What he didn't do and what you will notice, I actually stopped. I actually stopped and what I did was pull it back, in fact there's a couple of things I want to pick up on there, I actually tried to be a bit more objective because you know, we've got Councillors around that table who you know, it was fresh in my memory who had referred to me as being a "wanker". He's sitting there smiling at me while I'm trying to defend myself against his best mate's wife and decides to seize an opportunity to have a go at me in public, that's all it was about. At no point and she's screaming at me, she's screaming at me and at no point nobody tried to address her behaviour. I suppose another point for me is when we talk about "capacity" as well. I would argue given the fact that - and the minutes will reflect this - what I said at a previous meeting with the permission, they knew what I was going to do. They knew I wasn't acting in my capacity of a Parish Councillor, I was acting in my capacity as a Parishioner and the reason I was doing that is because of the way Parish Council meetings are allowed to be conducted in line with the Local Government Act doesn't allow me to respond to, doesn't allow any Councillor to respond to members of the public during public participation and the only way you can do that is by declaring an interest, well I can't declare an interest because I have no idea what members of the public are going to say, so I can only speak then as a Parishioner.

MK – Can I ask then Paul, if you believe that you weren't in capacity are you satisfied that what you said would still have been appropriate if you were in capacity? Does that make sense? So, let's assume you were in capacity, were you still speaking appropriately in your view? Do you understand what I'm saying?

PC – I do but I'm trying to shoehorn it into this particular scenario, and I don't think I can have acted in capacity in that particular scenario without being in breach of the Code of Conduct.

MK – Say a bit more

PC – If I was Councillor Paul Cullen, no I was very clear that I was speaking as a Parishioner, if I sat there and responded to her and said the things that I said to a Parishioner and it wasn't meant to be nasty it was meant to be matter of fact. You've clearly got an issue with me, your husband's clearly got an issue with me and I have to respond to that. If I'd have done it as a Parish Councillor, I think I would probably.....I don't know it would be for people like you to determine, I would probably think there would have been more of an argument that I would have been in breach of the Code of Conduct. I don't think I was in capacity. I honestly don't.

MK – And I'll ask the same "if it were your wife" question if you mayforgetting Johnny Phillips.

PC – I can't, I can't, even before you ask the question. I know that I wouldn't even be able to give you an answer.

MK – OK that's fair enough. OK, anything you want to say about that Karen? Before we move on?

KP – Was the Clerk's report on the agenda?

PC – Yes, I think it may well have been. However, I'd asked for that to go on because I don't know, have you seen the Clerk's report? The Clerk's report is maybe just an agenda item.

8.14 PAUL CULLEN EMAIL TO MELVIN KENYON

As the Investigation proceeded I received several emails from Paul Cullen. Part of one of those, received on 6th May 2020, referred to the complaints covered by this Investigation as follows: *"Reference LAC/94, LAC/95 and LAC/96. Nicky Phillips and the entire Phillips/Carter family are also fully paid up members of the Paul Cullen hate society. I'm sure you are fully aware that Nicky Phillips and Sue Carter are the wife and mother-in-law of the infamous former Willington Parish Councillor John Phillips who is responsible for the "Drug Dealer and Scum Bag" email. They both clearly have an axe to grind with me and it has been put to me recently by a friend who knows Nicky Phillips, "she has a score to settle with you". If she or any member of her family believe they can attend Willington Parish Council Meetings with the sole intention of degrading me with their inappropriate comments during public participation then I absolutely reserve the right to defend myself in the exact same manner in which I did on September 24th 2019. In fact I reserve the right to speak as a parishioner during public participation as I see fit. This clearly cannot constitute a code of conduct complaint having made a conscious decision not to be acting in capacity.*

Again to reinforce this; when physical Parish Council meetings resume, I will be making a statement during public participation to confirm this.

The only people that started to shout and bawl at this meeting were Deb Townsend and Nicky Phillips with this in mind I made a complaint to the Monitoring Officer surrounding the conduct of Nicky Phillips and received the following response;

Dear Cllr Cullen

I am unable to consider complaints against members of the public.

To my knowledge Nicky Philips is not a Parish Councillor.

Regards

Ardip Kaur (Solicitor)

As I wasn't acting in my capacity as a Parish Councillor, clearly I can be heard saying that I was speaking as a member of the public; I expect to be afforded the same protection as Nicky Phillips"

9 EVALUATION OF EVIDENCE

9.1 AUDIO RECORDING

The audio recording provides by far the best available evidence of what happened at the Extraordinary Meeting of Willington Parish Council on the evening of 24th September 2019. The recording is for the most part a matter of fact (inaudible pieces aside) and a transcript is attached for readers' benefit at **Annex 2**. Individuals with sharper hearing may be able to glean more from the recording than I could.

9.2 SUE CARTER AND NICKY PHILLIPS

Several witnesses commented on what Nicky said when she spoke. She had not been defamatory, abusive, inflammatory, or derogatory. Nicky had spoken quite generically. She had not made any personal statements about anyone. Witness A said that neither Nicky nor her mother had been "trying to wind the situation up".

Nicky had been talking, they said, in support of the Clerk's Three-Monthly Report which had been presented at the Parish Council meeting on 10th September. She had thanked the Clerk for her report and expressed the opinion that she would like to see the Council work together for the benefit of the village. Nicky had spoken very well and simply said what she said in a calm and collected way.

Witnesses said that the Clerk's report had been a reasonable, good one and exactly right. It had been clear, straightforward, and fair. It was about the Clerk's frustrations with the way the Council was functioning and the need for "more harmony" and had made various observations and recommendations. The report should just have been read, absorbed, and acted upon. However, certain councillors had "taken umbrage" at it, ignored it or challenged its contents as unacceptable so it had not been discussed at the 10th September meeting.

By contrast, Ros Casey, Caroline Blanksby and Tim Bartram made little comment on what Nicky and Sue had said on 24th September. They focused instead in some detail on what Nicky, Sue and others had allegedly said at a *previous* meeting (which I believe to be the Extraordinary Parish Council Meeting of 25th June).

They said that Paul had been “pulled apart” by Nicky, her mother Sue, and her sister. [I understand that the reference to Nicky’s sister is incorrect. I have been assured that she lives abroad and has never been to a Council meeting. I have also been told that Nicky’s mother did not actually speak at the 25th June meeting.] They had been “disgustingly rude and nasty about him” and said “vile things about him” in front of the public. The Chair had not supported Paul at that meeting. The Phillips family had a “personal vendetta” against Paul. It was embarrassing. Ros Casey had felt physically sick and had wanted to walk out. Paul had sat down and taken it. Caroline Blanksby said that Nicky and Sue had “read out a statement that was appalling and shocking, it was disgusting, she tried to make out that she and John Phillips were the victims”.

Tim Bartram spoke in similar vein. They “basically ripped into Joe and Paul” and “dragged them through the mud”. The Chair had done “absolutely nothing to protect Joe and Paul” who “had to sit there and take it; it was disgusting”. Tim said that I should not see what had happened simply in the context of that meeting. The abuse used against Paul at the previous meeting was “horrendous”, it had been “embarrassing” to listen to it. Tim did not know how he sat through the previous meeting “without flipping”.

Paul himself also chose to talk about the same meeting in some detail and in similar vein referring to a “verbal attack” on himself and Cllr Joe Cullen. He had sat and not uttered a word and it had caused him some frustration. He made the point that “in public participation, you can only discuss and comment on items on the agenda” but that the Chair had been happy to waive that in his case. Paul referred to a “family vendetta” against him and made similar allegations in his email to me dated 6th May.

Witness F said that Nicky Phillips had said the following at the 25th June meeting. This is also available on an audio recording of that meeting which I have located.

“As a result of the decision by Paul Cullen and Joe Cullen to publicise a wholly one sided version of what was quoted as a “tense exchange”, including posting false, defamatory statements in regional media and sending vexatious emails to people in our village, my family has faced six weeks of abuse and threats of violence against us and our home.

“Paul Cullen has shown no remorse that following his decision to create these articles that threats had been made not only to my family’s safety and our property, but also the personal safety of the previous clerk who was forced to resign. His final reported comments following my husband’s resignation from this council were “It is somewhat disappointing that the reason he states for his resignation was safety concerns for his family”.

I would like to ask Paul Cullen what sort of serious an incident [sic] would he have liked to have seen where he would not have been (again in his words) “somewhat disappointed”?

9.3 PAUL CULLEN AS PARISHIONER

The audio confirms (as do witnesses and Paul Cullen himself) that Paul said that he wished to speak as a parishioner after Nicky Phillips and Sue Carter had spoken. Paul told me that he had spoken as a parishioner before and what he did that evening was not extraordinary – he had done it before and with approval. Witness E and Tim Bartram also confirmed that he had spoken as a parishioner before, and Andy MacPherson said the same, though Andy suggested that he had not always left his seat to do so. The Parish Council Minutes of 24th July confirm that Paul spoke as a

parishioner at that meeting: **407/19 Public Speaking including County, District and Police Representation** Cllr P. Cullen spoke as a member of the public, and responded to comments made at a previous Council Meeting in regard to personal behavio[u]r.

When we spoke, Paul explained that he had spoken as a parishioner previously because councillors cannot respond to public participation and there was no other way under the Local Government Act to reply to a member of the public other than by speaking as a parishioner. He remarked that the Chair allowed personal attacks against councillors to happen during public participation and also allowed members of the public to speak about items that were not on the agenda.

In his email to me on 6th May Paul also said: “If she [Nicky Phillips] or any member of her family believe they can attend Willington Parish Council Meetings with the sole intention of degrading me with their inappropriate comments during public participation then I absolutely reserve the right to defend myself in the exact same manner in which I did on September 24th 2019. In fact I reserve the right to speak as a parishioner during public participation as I see fit. This clearly cannot constitute a code of conduct complaint having made a conscious decision not to be acting in capacity.”

Tim Bartram also told me that 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. Ros Casey also said that Paul had been angry at what had happened at the earlier meeting and “he wanted to put his side across” at the 24th September meeting and be afforded the same opportunity to speak as Nicky and Sue were.

Witnesses told me (and Paul himself implied) that he got up from his chair and went into the area reserved for the public. This was confirmed too by the minutes of the meeting which say that “Cllr P. Cullen moved to a position within the area reserved for the Public and stated that he was speaking as a Parishioner”. Witness A said that the Chair asked Paul to sit down but he continued speaking as he walked to the public area.

Witness E told me that he had “stormed up” and Witness F that he had “jumped up”. Most witnesses suggested that he then sat on (rather than stood next to) the front row (perhaps at the end of the row), two seats away from Sue Carter who was herself sitting next to Nicky Phillips. Witness C said his positioning was intended to intimidate. Witness E said he was “so close” to Sue and Nicky. Witness G said that Paul was “livid”, “walked very forcefully to the front” and sat in his chair and said what he said in a “very intimidating” manner. Witness E felt that Paul had chosen to present himself as a parishioner to give himself the freedom to behave like that.

9.4 EXCHANGE BETWEEN PAUL CULLEN AND NICKY PHILLIPS

Paul then started to speak “as a parishioner”. Paul himself told me that he did not look at Nicky and Sue as he spoke, instead he addressed the Council and the Clerk. Witness E said that “he did not look at Nicky or Sue though his body was angled towards them”. By contrast, Andy MacPherson told me that “he looked across at her” and Witness B said that Paul turned towards Nicky. Witness D said that during part of what he said Paul addressed Nicky directly but the whole

thing was “not directed completely at her”. Witness F said that Nicky had felt intimidated because he was physically close to her and was talking about her though he did not mention her by name and did not really look at her.

Witness A said that Paul “berated” Nicky, his proximity, attitude, tone, body language and words were intimidating. The atmosphere in the room was electric. Witness B said that it was obvious that Paul was “attacking” Nicky and an argument had ensued and that he carried on “yawping” as the Chair and Clerk tried to restore order. Witness C said that “Paul was losing it” and that he started shouting and making it very personal against Nicky. They would have been “petrified” by his behaviour.

Witness D commented that Paul had responded to Nicky in a “completely unnecessary, very confrontational” way and that there was “a degree of an aggressive look to it”. It was “not physically aggressive” but he did not have a “relaxed demeanour”. Witness C said that Nicky had stayed very calm and calmly answered Paul whilst the Chair tried to get Paul to come back and sit down. Witness D said that Nicky “looked a little bit distressed and a bit upset and tried to counteract some of the things he was trying to say”. “It was completely and utterly out-of-order and the wrong thing to do”.

Witness E said Paul’s behaviour was “totally, totally inappropriate”, he was angry, and his body language showed it. Andy MacPherson commented that Paul made a personal attack and did it in a threatening and intimidating manner. Paul did not name Nicky, but everyone knew who he was talking about. Witness F agreed that Paul was “angry”, that he verbally “went on about Nicky”. Witness F also said that Nicky had felt intimidated and felt upset by what Paul had said in such a public way.

Witness G referred to a “heated discussion” and said that Paul spoke “forcefully” and appeared “very intimidating”. Witness G said they would personally have found that intimidating because he was “a big, tall bloke”. He was obviously “really angry” and was pointing his finger towards Nicky. 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”.

By contrast Caroline Blanksby said that Paul had read out a statement that was “very good, very accurate and very reasonable”. Tim Bartram said Paul had stood up for himself. He had not been aggressive - they were shouting over him. He had not used inflammatory language. Ros Casey said that there were raised voices and Paul Cullen had raised his voice though she would not have described him as “intimidating or aggressive”. Paul had not made a “personal attack” on Nicola Phillips, “he had not used her words or pointed his finger at her [though] obviously, he knew who he was talking to”.

Caroline Blanksby said that Nicky constantly tried to speak and interrupt him, but Paul ignored her and carried on speaking. Witness G said, “Nicky did react to Paul in the meeting and there was a heated discussion between them which the Chair tried to get both of them to stop”.

Paul himself told me that it had been very clear who Nicky Phillips was talking about in the meeting. He went on to say that she had screamed at him in the meeting but at no point had anybody tried to address her behaviour. He said that what he said was not meant to be nasty it

was meant as a matter of fact. I asked Paul whether what he said would have been appropriate if he *had* been “in capacity” and speaking as a councillor. Paul replied that he probably thought that then “there would have been more of an argument that [he] would have been in breach of the Code of Conduct” though he did not believe that he had been “in capacity”.

The minutes of the 24th September meeting say that “an argument between the Resident and Cllr P. Cullen ensued” but this has a line drawn through it suggesting that councillors were unable to agree that an argument had actually taken place. Witness B told me that, when the minutes were discussed at the 8th October meeting, the discussion went on for an hour about inclusion of the word “argument” with Paul making the case that there had been no argument. Witness B later corrected themselves and said only that “it had seemed like an hour” – it was a figure of speech.

I have listened to the audio recording of the relevant part of that meeting. The discussion lasted 18 minutes. The minutes of the 8th October meeting state that it was RESOLVED to agree and sign the Minutes [of the 24th September meeting] as a true and accurate record, subject to an amendment to Minute Number 458/19 (para. four), to take out the sentence “...An argument between the resident and Cllr P. Cullen ensued, joined by Cllr J. Cullen”.

10 CONCLUSIONS - WAS THERE A BREACH OF THE CODE OF CONDUCT?

10.1 WAS THE SUBJECT MEMBER ACTING IN AN OFFICIAL CAPACITY?

10.1.1 The basic legal position

Before reaching a conclusion on whether a breach or breaches of the Willington Parish Council Code took place, I must first establish whether the Subject Member, Cllr Paul Cullen, was acting in an official capacity. The legal position has been discussed briefly at 3.3 above and is explored in greater detail below.

Cllr Cullen clearly believes that he has the freedom to speak as a parishioner during public participation as he sees fit and he made that clear with some emphasis in his email to me on 6th May. He has done the same on occasions prior to 24th September.

On the other hand, the Complaints about Cllr Cullen are clearly about a serving councillor and the actions took place at a Council meeting during his term of office. The complainants therefore assume that their concerns fall within the scope of the Code.

In defining the scope of its operation, the Code uses ordinary descriptive English words. Their application is inevitably fact sensitive and so whether or not a member is acting in their official capacity calls for informed judgement with reference to the facts of a given case.

As mentioned in 3.3 above it is clear that the Code does not seek to regulate what members do in their purely private and personal lives. The Code only applies to members when conducting Council business, acting as a representative of their authority or when carrying out their constituency work. A distinction must be drawn between the individual as a councillor and the individual as a member of the public; a councillor is not a councillor twenty-four hours a day. Conduct that might be regarded as reprehensible and even unlawful is not necessarily covered by the Code.

Cllr Cullen has been clear that the Code should not be applied to any allegations of misconduct that relate to his exchange with Mrs Phillips because he stated explicitly that he was now speaking “as a parishioner” rather than a councillor. On the other hand, there can be no doubt that the incident took place in the Council during an Extraordinary Parish Council Meeting and that it was related to matters that had been raised during the meeting and previous meetings; he was speaking to a parishioner during the course of a Council meeting.

In offering my own views on this I recognise that the Localism Act is vague on the key point of what acting “in official capacity” involves. Nor do we have any case law arising from the Localism Act to assist us on this. What we *do* have, however, is well established case law from earlier hearings. Whilst the wording in the current Code varies slightly from the former national model codes of conduct, cases concerning the former model codes remain of relevance to how councils must interpret what “official capacity” means.

Based upon the evidence available to me, I believe that Cllr Cullen was acting in capacity at the meeting on 24th September. He was a Willington Parish Councillor attending an Extraordinary Parish Council Meeting that evening and was therefore very much “in capacity”. Taken at its most absurd if councillors were, to take a hypothetical example, able simply to declare themselves parishioners in a parish council meeting, insult other councillors or disclose confidential information (thus breaching the code of conduct) and then revert back to being councillors simply by saying so, then codes of conduct would have no validity in those circumstances. Yet they clearly do.

I am, however, able to rely on more than that simple logic when reaching this conclusion.

10.1.2 Precedent cases

In *Livingstone v Adjudication Panel for England* [2006] Mr Justice Collins considered the scope of the then code in relation to when a councillor is acting in their official capacity. Mr Justice Collins stated at paragraphs 27 to 29:

“Conduct which is regarded as improper and meriting some possible sanction will often be constituted by misuse of a councillor’s position. He may be purporting to perform his functions if, for example, he seeks to obtain an advantage by misusing his position as a councillor. Such misuse may not amount to corruption; it may nonetheless be seen not only to be improper but to reflect badly on the office itself. If the words “in performing his functions” are applied literally, it may be said that such misuse, and other misconduct which is closely linked to his position as such may not be covered.

... Thus where a member is not acting in his official capacity (and official capacity will include anything done in dealing with staff, when representing the council, in dealing with constituents’ problems and so on), he will still be covered by the Code if he misuses his position as a member. That link with his membership of the authority in question is in my view needed. This approach is very similar to that adopted in Scotland and in my judgment accords with the purpose of the Act and the limitations that are appropriate. It is important to bear in mind that the electorate will exercise its judgment in considering whether what might be regarded as reprehensible conduct in a member’s private life should bring his membership to an end in due course...

It seems to me that unlawful conduct is not necessarily covered. Thus a councillor who shoplifts or is guilty of drunken driving will not if my construction be followed be caught by the Code if the offending had nothing to do with his position as a councillor. Section 80 of the Local Government Act 1972 provides for disqualification for election to a local authority of those who have within 5 years before the date of election been convicted of any offence which has resulted in a sentence of 3 months imprisonment (whether or not suspended) or more. Parliament could for example have provided that conviction of any offence carrying imprisonment whatever the sentence should lead to consideration of some punitive action by the Standards Board. It seems to me that if it is thought appropriate to subject a member of a local authority to a code which extends to conduct in his private life, Parliament should spell out what is to be covered.”

The Livingstone judgment was considered in detail in “Bartlett v Milton Keynes Council [2008] APE 0401” in an appeal from the local standards committee. In the Tribunal’s view, the Livingstone judgment established that for a councillor to be acting in an official capacity: -

- the councillor should be engaged in business directly related to the Council or constituents; and
- the link between the councillor’s office and the conduct should have a degree of formality.

Following Bartlett, Cllr Cullen was clearly engaged in business related to the Council and/or a constituent and it was during the course of a Council meeting thus adding that degree of formality. Unlike the Livingstone case (where the conversation was with a journalist in the street on matters unrelated to the council), the discussion took place during a Council meeting and related to matters under discussion at the Council.

Further it has been specifically considered by the courts whether a councillor can at any stage during a council meeting divest themselves of the councillor role and speak as a member of the public. In 2003, following detailed consideration of paragraph 12 of the then Members’ Code of Conduct in the case of *Paul Richardson and another vs North Yorkshire County Council and the First Secretary of State* the Court of Appeal made an important judgement. The effect of it was that a member of an authority attending a council meeting could not divest himself of his official capacity as a councillor in a representative capacity, simply by declaring his attendance in a private capacity. He is still regarded as conducting the business of his office. Only by resigning can he shed that role.

In other words, for as long as he remains a Willington Parish Councillor, if Paul Cullen chooses – and is permitted – to speak during public participation “as a parishioner” as he suggests he will in his email to me of 6th May, he will nevertheless remain “in capacity”.

I therefore conclude from the evidence available to me that Cllr Paul Cullen was acting in official capacity when he spoke “as a parishioner” at the Extraordinary Parish Council Meeting on 24th September 2019.

10.2 WAS THERE A BREACH OF THE CODE?

The final step, therefore, is to consider whether, **based on the balance of probabilities and the evidence that I have available to me**, there was a breach of the Willington Parish Council Code of Conduct by Councillor Paul Cullen.

Annex 2 of the Report contains a detailed transcript of the audio recording of the relevant section of the meeting, which I have listened to several times. As a result of listening to that and reading witness statements and other documents, I am left in no doubt that:

- (i) After the meeting opens for Public Participation, Mrs Sue Carter makes a statement and is then followed by Mrs Nicola Phillips who reads a statement from a prepared script.
- (ii) Cllr Cullen then says that he wants to speak “as a parishioner”, leaves his seat at the Council table and goes to the area reserved for members of the public.
- (iii) He sits down close to Mrs Sue Carter who is herself sitting next to Mrs Nicola Phillips.
- (iv) Cllr Cullen begins to speak and makes personal references to Mrs Phillips.
- (v) The Chair and the Clerk intervene in an effort to stop Cllr Cullen from speaking on personal matters, whilst Cllr Cullen continues to speak.
- (vi) Cllr Cullen continues to speak amidst some loud clapping.
- (vii) There is an exchange between Cllr Cullen and the Clerk.
- (viii) Voices are raised as the Chair and Clerk continue to try to restore order, amidst shouting, this time urging Mrs Phillips to stop.
- (ix) Cllr Cullen returns to his seat and order is finally restored.
- (x) A member of the public gives his impressions of the meeting before public speaking closes.

This takes place over a period of around seven minutes with steps (ii) – (ix) lasting around two and a half minutes.

From the audio recording the statements made by Sue Carter and Nicky Phillips would appear, to the reasonable listener, to be fair in content and considered in tone. To me at least and, as my understanding of the situation has grown during the Investigation, they appear very pertinent to the situation that the Parish Council finds itself in and totally relevant to the business of the Council. The subject matter is Council business and the need for the Council to work together for the benefit of the village. No individuals are named.

It seems to me that Cllr Cullen’s response to the statements would, to the same reasonable listener, appear surprising. He opens by speaking quietly and calmly but his immediate reference to “bias”, his emphasis on the word “consistently” (which is almost spat out the first time it is used) and his suggestion that Mrs Phillips should go home and talk to her husband are inappropriate and have no obvious relevance to the subject matter of Mrs Phillips’s statement. His apparent, brief reluctance to return to his seat at the Council table and lack of calm (see the Chair’s comment), his exchange with the Clerk about respect and his final comments “I’m sick of it absolutely sick of it” are similarly inappropriate and unbecoming of a parish councillor in any parish meeting, let alone a meeting with around 20 members of the public present.

When I asked Cllr Cullen at interview whether his behaviour would have been inappropriate had he been speaking as a parish councillor rather than a parishioner, he replied insightfully, “If I’d have done it as a Parish Councillor, I think I would probably.....I don’t know it would be for people like you to determine, I would probably think there would have been more of an argument that I

would have been in breach of the Code of Conduct". In saying that he appears to have been recognising that his behaviour that evening *had* been inappropriate.

I note Cllr Cullen's insistence that he had spoken at previous meetings as a parishioner with, he said, the agreement of the Chairman and/or the Clerk. If it is true that he in some way had "permission" to speak as a parishioner (which, as set out in 10.1 above, is not permitted), it still cannot excuse or in some way mitigate his behaviour towards a member of the public, whoever that is, nor the very poor impression he appears to have given to at least some other members of the public who were present. It is hard to disagree with the opinion of the member of the public who said that the meeting had been a "car crash" or with another member of the public who described the Council as a "circus" at the 25th June meeting.

I note too the focus that Cllrs Tim Bartram, Blanksby and Casey and Cllr Cullen himself gave to the behaviour of Mrs Phillips and others at the meeting on 25th June. For me, the fact that they chose that as their focus when asked about the meeting on 24th September told its own story. Once again there is an implication that the alleged behaviour by Mrs Phillips and others at that meeting somehow excuses or mitigates Cllr Cullen's own behaviour at the 24th September meeting. In my opinion it does not. That said, I consider the Chairman's willingness to allow Mrs Phillips and others to speak in the way that they did at the 25th June meeting to have been ill-advised. Some of what they said whilst heartfelt, and some might say justified, was in my opinion inappropriate to the business of the Parish Council. By then the matter had been ruled to be a private matter.

Neither does the suggestion I heard several times from witnesses that the public can only speak about items that are on the agenda excuse or mitigate Cllr Cullen's behaviour. As I understand it there is no statutory right for the public to speak at parish council meetings and the position locally is set out in the standing orders. The minutes of the Annual Meeting on 12th May 2020 suggest that Willington's Standing Order 3g allows members of the public to comment only on any matter already on the agenda.

That said, "Local Councils Explained, Meera Tharmarajah, NALC, 2013" (described to me by one of its main contributors as "the layman's bible to parish council working") has a useful section in its chapter on working with others: "The questions and representations of the public should ideally be confined, by the use of standing orders, to the matters that are on the agenda for the meeting. However, it can be difficult to police this, and there is some merit in permitting questions that are about matters that are not on the agenda. Limiting members of the public to speak at a meeting only about the items on the agenda may be perceived as pedantic and obstructive".

Equally useful is the text in the same section which reads: "Members of the public and councillors are expected to treat people with courtesy and respect, not interrupt another speaker, nor use improper behaviour or language".

In light of the above I conclude, based on the balance of probabilities and the evidence that I have available to me, that Cllr Paul Cullen breached the Willington Parish Council Code of Conduct in that he did not treat Mrs Phillips, his fellow councillors, the Clerk and members of the public who were there that day with courtesy and respect and thus did not "behave in such a way that a reasonable person would regard as respectful". In reaching this conclusion I note

that the Code makes no reference to “bringing the Council and the office of Councillor into disrepute” even though I do not doubt that Cllr Cullen’s behaviour did exactly that.

I now move onto whether Cllr Cullen, as some witnesses suggested, “acted in a way which a reasonable person would regard as bullying or intimidatory” at the meeting on 24th September.

I begin by asking “What do “bullying” and “intimidatory” mean?” The Cambridge English Dictionary defines “intimidate” as “to frighten or threaten someone, usually in order to persuade them to do something that you want them to do”. It defines “bullying” as the behaviour of a person who hurts or frightens someone smaller or less powerful, often forcing that person to do something they do not want to do”.

The Government definition of bullying in the workplace includes the following examples of bullying and harassing behaviour – spreading malicious rumours, unfair treatment, and picking on or regularly undermining someone. The definition tells us that bullying and harassment can happen face-to-face, by letter, by email and by phone.

I choose these “reasonable” definitions by design instead of those of organisations that might be said by some to be part of the “bullying industry”.

It seems to me, based on the facts and the balance of probability, that some of the actions and behaviours exhibited by Cllr Cullen as the events described in Section 7 above unfolded, might be construed by a reasonable person as intimidatory and that he could be capable of such behaviour. The same reasonable person might not, therefore, have been surprised when Mrs Phillips and others spoke as they did at the Extraordinary Parish Council Meeting on 25th June 2019, notwithstanding the supportive comments of Cllrs Tim Bartram, Blanksby and Casey.

Turning to the Complaints and the meeting on 24th September, it seemed to me that what Mrs Carter said was said in a heartfelt and conciliatory way - albeit that Cllr Paul Cullen *had* apparently prompted several Extraordinary Meetings recently – and she certainly ended on a positive note. Had what Mrs Phillips said been directed at the whole Council then it could also have been construed as heartfelt and conciliatory - and to some extent perhaps it was? So, I share Witness A’s opinion that Mrs Carter and Mrs Phillips were not “trying to wind the situation up”.

However, to anyone who was familiar with what had been happening in Willington over the past few months, it must have been clear to whom Mrs Phillips was referring when she talked about councillors who were not “working for the benefit of the Parish and working against the Clerk and other councillors”. Right or wrong, it would have been especially irksome and frustrating to Cllr Cullen who would maintain (as he did at the 24th September meeting itself) that he *was* there “for the good of the village. One hundred percent”. So, to that extent, Mrs Phillips cannot have been entirely surprised that what she said provoked a reaction at the meeting even though what she and others had said on 25th June had not.

When I listened to the audio recording of the 24th September meeting (which I did several times) I was left in no doubt that Cllr Cullen was angry, infuriated even, at what he *perceived* to have been said, rather than what was *actually* said, about him at the meeting on 24th September. I concluded that he saw it in some way as a “repeat performance” of what was said on 25th June

even though, by any reasonable interpretation, it was not (I have also listened to the audio recording of the relevant part of the June meeting).

Cllr Cullen's decision to sit close to Mrs Carter and Mrs Phillips is not, I feel, a *conclusive* indicator of intimidatory intentions. It *may* have been a calculated decision, or by moving to the public area, he may have simply been emphasising that he was participating as a parishioner and in doing that may have chosen to sit on the nearest available seat on the front row. I tend to this view since I believe that he chose to speak as a parishioner on the spur of the moment in response to Mrs Phillips rather than with premeditation. However, when reviewing the Report whilst it was in draft, one of the Complainants remarked that, in their opinion, "it was a calculated decision to sit closely to her" and "he made a deliberate decision to walk towards her and sit as I recall one seat from her". In saying this they said that they felt that Paul *had* behaved in an intimidating and bullying manner towards Mrs Phillips. When reviewing the Report whilst it was in draft a second Complainant also made it clear that they felt that Paul's behaviour towards Nicky Phillips *had* been intimidatory.

I cannot be sure what his body language was when he sat on the front row – he said that he simply addressed the Council whilst others said that he turned his body towards or even pointed at Mrs Phillips. None of the witnesses I spoke to could be said to be unbiased and, even though the behaviours and actions set out in Section 7 apparently suggested to some witnesses that he can, on occasion, behave in an intimidating way, on this occasion I feel I must give Cllr Cullen the benefit of the doubt.

Mrs Phillips made her initial statement calmly. But, when Cllr Cullen spoke, Mrs Phillips appeared to me to be quite willing to argue back against him "Consistently? Why are you saying that Paul?" and "Can you explain "consistently" to me, Paul?". She did not appear, as Witness C suggested, to "stay very calm" or "calmly answer him". Paul was angry yet Mrs Phillips does not appear to have been "cowed" or "intimidated" by him. Instead she appears to have shouted back. Moreover, the (albeit unknown) shrieking female voices shortly before calm was restored and the fact that the Chair felt the need to say "Nicky, Nicky. Please. Please" do not suggest to me that she was intimidated, as several witnesses suggested. Rather they suggest that there was an "angry row". I say this notwithstanding the fact that Cllr Cullen was keen not to have the exchange recorded as an "argument" in the minutes and the Council supported the excision of that description which was contained in the draft when they considered the minutes at their 8th October meeting.

In light of the above I do not conclude, based on the balance of probabilities and the evidence that I have available to me, that Cllr Cullen behaved in a way that a reasonable person would regard as bullying or intimidatory.

11 RECOMMENDATIONS

On the basis of the conclusions above I make the following recommendations:

1. **That the breach of the Code of Conduct by Cllr Paul Cullen in regard to the Extraordinary Parish Council Meeting of 24th September be referred to the South Derbyshire District Council Standards Committee for further action.**

2. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that councillors should not exhibit behaviour which “brings the Council or the office of Councillor into disrepute”.
3. That the Chairman ensures (as he said he would at the 24th September meeting) that “public participation” is not used as a vehicle for making personal attacks on individuals and that all future contributions from members of the public (as well as councillors) genuinely treat people with courtesy and respect.
4. That Willington Parish Council agrees to a programme of reconciliation and a review of its working arrangements to try to restore relations within the Council and, further, that any councillor who is unwilling to take part in a programme of reconciliation should consider their position as a councillor.

ANNEX 1 – DOCUMENTS AND SOURCES

In the course of my investigation I reviewed a variety of source materials. These are listed below.

- (1) “Willington Parish Council Code of Conduct” - accessed on the Parish Council website <https://www.willingtonpc.org.uk/>
- (2) South Derbyshire District Council “Complaint Form” and “Procedure for considering a complaint that a member has breached the Code of Conduct” - accessed on the SDDC website <https://www.southderbyshire.gov.uk/>
- (3) Willington Parish Council Minutes - 10th July 2012; 11th June 2019; 25th June 2019 (Extraordinary Meeting); 24th July 2019; 24th September 2019 (Extraordinary Meeting); 8th October 2019;
- (4) Audio recording of the Extraordinary Parish Council Meeting of 25th June 2019
- (5) Audio recording of the Extraordinary Parish Council Meeting of 24th September 2019
- (6) Audio recording of the Parish Council Meeting of 8th October 2019
- (7) Transcript of relevant parts of the audio recording of 24th September presented as **Annex 2**.
- (8) Email exchange between Melvin Kenyon and Paul Cullen 4th – 6th May 2020
- (9) Summary of Court of Appeal judgement - Richardson vs North Yorkshire CC and Secretary of State [2003]
[https://moderngov.dover.gov.uk/Data/Standards%20Committee/20040316/Agenda/\\$Agenda05.doc.pdf](https://moderngov.dover.gov.uk/Data/Standards%20Committee/20040316/Agenda/$Agenda05.doc.pdf)
- (10) Local Councils Explained – Meera Tharmarajah, NALC, 2013
- (11) Cambridge English Dictionary <https://dictionary.cambridge.org/dictionary/english/>

ANNEX 2 – TRANSCRIPT OF PART OF EXTRAORDINARY PARISH COUNCIL MEETING TUESDAY 24th SEPTEMBER 2019, 7pm Venue: The Old School, The Castleway, Willington Present: Cllrs P Allsopp (Chair); M Bartram, T Bartram, C Blanksby, C Carter, R Casey, J Cullen, P Cullen, A MacPherson and I Walters Also present: Members of the public, D Townsend (Locum Clerk)

[1 minute 47 seconds]

Meeting opened for public speaking

Phill Allsopp (Chair) – Would anybody like to say anything? Yes, Sue.

Sue Carter (Member of Public and Mother of Nicola Phillips) – I notice there’s another Extraordinary Meeting, which surprises me, because I’ve always thought that Extraordinary Meetings were supposed to perhaps be about urgent matters which couldn’t wait any longer until the next meeting. The other thing that I wanted to say was that having an Extraordinary Meeting is using up time again and people who work or give up their own time, it is difficult to fit it all in. So, I do sympathise on that. After the last meeting – I’m reading this so I can remember - I reflected on what Caroline said in the July meeting which was a wish for the Councillors to work together. I’m still waiting to see that happen and that’s from both sides. It is for the benefit of Willington residents that you are all here and I would like to see that there was a difference in how some of the meetings take place. Somebody put on social media this evening “there’s a great divide” and I think that’s what it is, which is a great shame. We’ve got a great village and with Axis 50 it shows how we can all work together to actually achieve something, and I really, really wish [*said in a heartfelt way*] that this Council would do just that. Thank you.

[Chair then asks Locum Clerk, in a low voice, to respond to the point about Extraordinary Meetings] [3

minutes 29 seconds]

Deb Townsend (Locum Clerk) – If that’s ok I will respond about the Extraordinary Meeting. Yes, the way that Extraordinary Meetings work is that they are for urgent matters. However, the way that it works is if a request has gone into the Chairman for an urgent meeting, if the Chairman agrees or for an Extraordinary Meeting should I say ...if the Chairman agrees then that Extraordinary Meeting can go ahead under different grounds. However, if the Chairman doesn’t agree to go ahead, Members can call that meeting anyway. So, probably prudent that the Chairman calls it because of the way it is but actually, one hundred percent, it should be for urgent matters.

Female voice – Can I ask who called the meeting?

Deb Townsend – I’m sure the Members who called the meeting can identify themselves if they wish to.

[Silence]

[4 minutes 31 seconds]

Phill Allsopp – OK. Just replying to Sue, obviously I take your point Sue, from our point of view, and from my personal point of view, nothing would give me greater pleasure if we could carry on and work as a team. Axis 50 has brought the Council together, but we need to enlarge on that and make sure that we do actually do work together to make sure we do actually get things done in the village.

Sue Carter – Thank you.

[5 minutes 2 seconds]

Nicola Phillips (Member of Public and daughter of Sue Carter) – *[Reading from a prepared statement]* I was at the last Parish Council meeting and heard first-hand the Clerk’s report. The following valid points were put forward by the Clerk. The Clerk is there to assist the Council to move forward in a positive way. I can only see this as a good thing. Worryingly, there has been a high turnover of Clerks. I think this needs examining as to why. The Council is not functioning effectively. Positive outcomes are difficult to achieve. Not always working for the benefit of the residents. If councillors aren’t working for the benefit of the Parish and working against the Clerk and other councillors I would like to know what is their agenda?

I was saddened to hear that the Clerk had not been treated in the best way by some councillors. I think we owe the Clerk a debt of gratitude for the work she has put into this report and how she wants to assist the Council to move forward for the ultimate benefit of all parishioners. I would now like to see how this meeting proposes to take on board what the Clerk, in good faith, has said and carry out their responsibilities as councillors so that they are all *[said with emphasis]* working for the good of Willington.

[6 minutes 7 seconds]

Phill Allsopp – OK. Thank you. Anybody, anybody else like to say anything? No?

Paul Cullen – Yes, I do, I want to say something (?) - as a Parishioner though.

[Low voices. Exact words inaudible [to MK] amidst coughing - Paul possibly says, “Is that ok? Yes?” and a male voice appears to say, “Can he do that?”]

Paul Cullen – So, again I’m forced to listen to biased views from one side of the Parish Council. In fact, it’s the wife of a former Parish Councillor who consistently asks for why and what agendas *[inaudible word]* Councillors have....

Nicola Phillips – Consistently? Why are you saying that Paul?

Paul Cullen - so, what I would say to her is, she quite simply needs to go home and ask her husband..... allow me to finish, what.....

[6 minutes 55 seconds]

[At this point voices become louder and more urgent. Deb and Phill talk over one another]

Deb Townsend – Paul ... this is not a personal matter ...

Phill Allsopp – *[Talking above others]* No, sorry Paul, sorry Paul, we cannot, sorry Paul, sorry Paul

Deb Townsend – ... it’s not a personal matter.

Deb Townsend (?)/Unknown female voice – We can’t have that

Phill Allsopp - We can’t have this Paul

[Paul Cullen continues to talk inaudibly in background]

Phil Allsopp – We can’t be talking about personal things *[Inaudible*

female voices in background as Paul continues to talk]

Nicola Phillips – I’m saying what I think.

Paul Cullen – Also, also, also, we have a current Parish Councillor who had exactly *[said with emphasis]* that same agenda. If you don’t believe me, you don’t have to ask me personally, you can ask the person Who He Told. *[said with emphasis]* Who happens to be in this room today. So, I will not I am here for the good of the village. One hundred percent, OK? That is unequivocal and I would be more than happy to discuss [?] how we can move forward for the good of this village [?]. I refuse *[said with emphasis]* to have my good name consistently *[said with greater emphasis]* tarnished by members of this Parish.

Nicola Phillips - Can you explain “consistently” to me Paul?

[Loud clapping for a few seconds – inaudible voices heard under the clapping]

[7 minutes 49 seconds]

Deb Townsend – Can you just show a little respect, first of all, Paul? I’m here as an employee. I’m here as an employee.

[Inaudible raised voices as Chair tries to bring the meeting to order and Deb and Paul talk across one another]

Paul Cullen – Deb, if you show me respect, I’ll extend you the same respect.... If you show me that respect, I’ll extend you that same respect

Phill Allsopp – Let’s have some order, let’s have Excuse me, excuse me, let’s have

[People talking over one another – Nicky and Paul exchanging words but inaudible]

Nicola Phillips – I stood up at *[Nicky speaks inaudibly as Chair tries to bring meeting to order]*

Phill Allsopp – Nicky, Nicky. Please. Please. Please.

Nicola Phillips - and I'm spoken to like that.

Unknown female voice – [?] You've spoken to him worse in fact..... [?] *[Inaudible shouting]* **Phill**

Allsopp - Enough

Deb Townsend – Enough, enough

Phill Allsopp – Enough

[Females apparently arguing and female voice shrieking in background]

Joe Cullen – There was one meeting that we come to and all they done there was sit all night and slag us off.

[8 minutes 24 seconds]

Phill Allsopp – Look, look, look, I'm asking all people for some calm here. To calm down and let's carry on the meeting. For everybody's information, we will not be discussing individual people in this Council, while I'm Chairman again. Right? We just need to get on. We all need to work together,

Paul Cullen – I'm sick of it...

Phill Allsopp - ... we need to carry on.

[8 minutes 40 seconds]

Paul Cullen – ... absolutely sick of it

Phill Allsopp – Councillor Cullen, please, please, calm yourself. We're here to do a job, let's carry on. OK? Right. Anybody else got any.....yes?

Male member of public – I'm pretty new to the area and I just sit and watch, you know, what's happening in these meetings. Every time, it's a car crash, guys. This is getting embarrassing. On a personal view, I work for a very large company. Some of the statements I have heard, in our company you'd be taken to disciplinary (?) for them. This is proving to be another car crash, guys, tonight. You need to work together.

Phill Allsopp – Absolutely, ok, thank you for your comments.

[Loud clapping]

Phill Allsopp – Anybody else? Thank you, we will now close the public speaking. **[9**

minutes 50 seconds]

ANNEX 3 – LIVERPOOL ECHO ARTICLE 3rd JUNE

Annex 3 consists of three pages (numbered 48 -50) which follow this cover sheet.

REPORT ONE - ANNEX 3

2nd Newspaper report – Liverpool Echo 4th June 2019

Politician who told Everton fan to go back to Liverpool with the 'on the mega bus with all the scum bags and drug dealers' is getting a visit

Derbyshire Cllr John Philips can expect some fresh faces at his next parish council meeting.

BY

Liam Thorp

- 16:00, 4 JUN 2019
- **UPDATED** 16:01, 4 JUN 2019

NEWS

REPORT ONE - ANNEX 3

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Cllr John Philips (pictured on council leaflet) was behind the anti-Liverpool messages

A Derbyshire-based politician who made vile slurs suggesting people from Liverpool are 'scum bags and drug dealers' could be facing a tricky response - Scouse style.

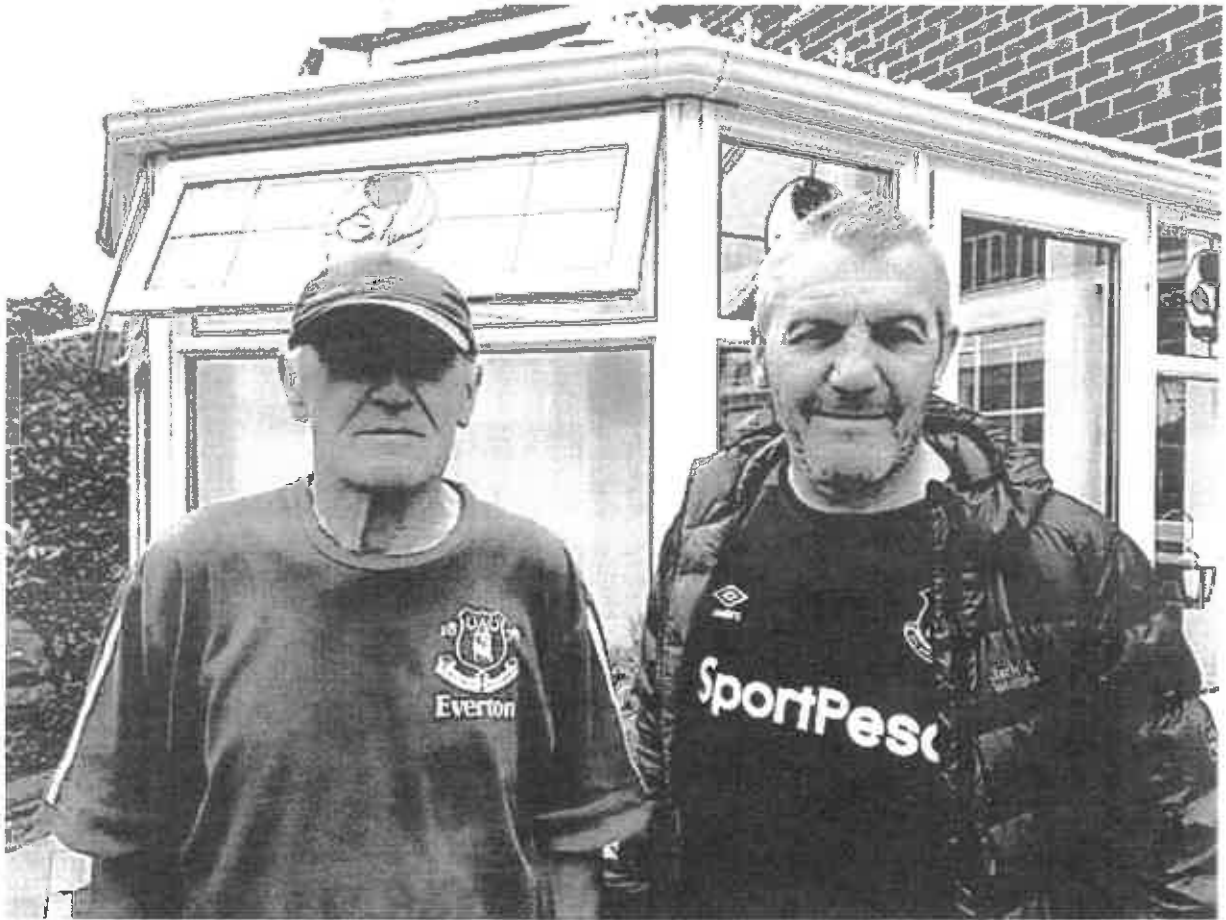
Yesterday, the ECHO reported how Willington Village Parish Councillor John Philips had made the comments in an email to his fellow councillor, Liverpool-born Paul Cullen.

After a tense exchange between the two, Cllr Philips said: "Hi Paul, I've had a call from the Mega Bus, they're happy to take all sorts of scum bags and drug dealers back to Liverpool tomorrow - if you know any please let them know, I'll pay - this is a public service broadcast."

The email caused great offence to lifelong Everton fan Cllr Cullen - as well as his father Joe, who is also on Willington Council and who also saw the email.

Cllr Cullen Jr, 50, has been trying to raise the issue with the local district council and the police - but has been told the slurs used don't constitute a hate crime.

REPORT ONE - ANNEX 3



Cllr Paul Cullen (right) and his dad, Cllr Joe Cullen, were outraged by the comments from a fellow Parish Councillor

But he revealed that Cllr Philips may be forced to explain his comments when a Scouse contingent arrives at the next meeting of Willington Parish Council.

Cllr Cullen, who has many family members still living in his native Liverpool, explained: "A lot of people I have spoken to - including members of my family - are really upset by what he said and that so far nothing has been done about it.

"It looks like there will be some people from Liverpool coming to the next meeting, on June 11, who will want to very clearly ask some questions of Cllr Philips - some of my friends and family definitely want to challenge him."

But he said those in attendance will be well mannered and will behave correctly.

He added: "Cllr Philips clearly already has his own prejudiced ideas about Liverpool so we don't want to feed into that and anyone who comes along will act in an appropriate manner."

Melvin Kenyon and Associates

South Derbyshire District Council (Willington Parish Council)

**Complaints against Willington Parish Councillor, Paul Cullen, arising out
of the abortive meeting of the Recreation and Amenities Committee on
4th November 2019**

Report prepared for Ardip Kaur, Monitoring Officer, South Derbyshire District Council – 12 July 2020

Investigation Report – South Derbyshire District Council (Willington Parish Council) Complaints against Councillor Paul Cullen (Subject Member)

1. EXECUTIVE SUMMARY

1.1 BACKGROUND

In late October 2019, Ardip Kaur, Monitoring Officer at South Derbyshire District Council (“SDDC”), appointed Melvin Kenyon to investigate certain complaints about the alleged conduct of Paul Cullen, a Parish Councillor serving as a member of Willington Parish Council (“the Council”).

1.2 FOCUS OF THE INVESTIGATION

There were several complaints requiring investigation and Complainants had, in general, asked for their confidentiality to be preserved (as provided for under the SDDC Complaints Procedure). To reduce the complexity inherent in preserving confidentiality and help improve understanding, the complaints have been separated into coherent, manageable groups for reporting purposes.

Following the abortive meeting of the Recreation and Amenities Committee which had been scheduled to take place at the Old School, the Castleway, Willington at 7pm on Monday 4th November 2019, Ardip Kaur received two complaints about the alleged conduct of Cllr Paul Cullen at that meeting.

This report (“the Report”) and the related investigation (“the Investigation”) focus on those two complaints (“the Complaints”). The text of one of the Complaints is set out verbatim in Section 5 below. The text of the second Complaint is presented very largely, but not entirely, verbatim (in an effort to preserve the confidentiality requested by the Complainant) in Section 5.

The Complaints alleged that, after the closure of the meeting, Cllr Cullen lost his temper and verbally abused a resident, Mrs Sue Carter with the result that she broke down in tears. By doing this, the Complaints alleged, Cllr Cullen breached the Willington Parish Council Code of Conduct.

1.3 CONCLUSIONS AND RECOMMENDATIONS

I conclude from the evidence available to me and based on the balance of probability that **Cllr Paul Cullen was acting in official capacity when he attended the abortive meeting of the Recreation and Amenities Committee on 4th November.**

I further conclude, based on the balance of probabilities and the evidence that I have available to me, that:

- **Paul Cullen breached the Willington Parish Council Code of Conduct in that he did not treat Sue Carter and his fellow councillors with courtesy and respect and thus did not “behave in such a way that a reasonable person would regard as respectful”. In reaching**

this conclusion I note that the Code makes no reference to “bringing the Council or the office of Councillor into disrepute” even though I do not doubt that Cllr Cullen’s behaviour did exactly that.

- **Paul Cullen did not behave in a way that a reasonable person would regard as bullying or intimidatory.**

On the basis of the conclusions above I make the following recommendations:

- 1. That the breach of the Code of Conduct by Cllr Paul Cullen in regard to his behaviour after the Recreation and Amenities Committee had closed on 4th November be referred to the South Derbyshire District Council Standards Committee for further action.**
- 2. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that councillors should not exhibit behaviour which “brings the Council or the office of Councillor into disrepute”.**
- 3. That Willington Parish Council agrees to a programme of reconciliation and a review of its working arrangements (including its committee structure) to try to restore relations within the Council and, further, that any councillor who is unwilling to take part in a programme of reconciliation should consider their position as a councillor.**
- 4. That, as part of that programme of reconciliation, the Council draws on Cllr Paul Cullen’s undoubted skills in areas such as footpaths and open spaces for the benefit of the village of Willington.**

2 OFFICIAL DETAILS OF SUBJECT MEMBER

Cllr Paul Cullen told me that he was initially co-opted onto the Willington Parish Council in December 2014. Following that he was elected twice – in May 2015 he was elected unopposed and in May 2019 he was elected in a ballot.

He told me he had probably served on almost all of the Committees during his time as a councillor in Willington. These included the Neighbourhood Development Planning Group, Recreation and Amenities Committee, Footpaths and Open Spaces Group, Planning Committee, Staffing Committee, and the Car Park Advisory Group. To date he had not served on the Finance Committee nor had he served on the Burial Committee, which was a relatively new Committee.

Cllr Cullen told me that Committee representation was adjourned at the Annual Meeting on 12th May due to there being more nominees than positions available. However, he hoped to serve on the Recreation and Amenities Committee, the Neighbourhood Development Planning Group, and the Finance Committee.

On a personal level, Cllr Cullen told me that he was originally from Liverpool and had lived in Willington for most of his adult life.

3 RELEVANT LEGISLATION AND PROTOCOLS

3.1 LOCALISM ACT 2011

Under section 27(1) of the Localism Act 2011 (“the Act”) a “relevant authority” (which includes a local council) is placed under a statutory duty to “promote and maintain high standards of conduct by members and co-opted members of the authority”.

Under section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity” (see 3.3 below).

Under section 28(1) of the Act a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with prescribed principles of standards in public life – the so-called “Nolan principles”.

The intention of the legislation is to ensure that the conduct of public life in local government does not fall below a minimum level which endangers public confidence in democracy.

Under section 28(6) of the Act, principal authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 27(7), arrangements put in place under subsection (6)(b) must include provision for the appointment by the principal authority of at least one “independent person” whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

Section 28(11) of the Act provides that if a member or co-opted member of the authority has failed to comply with its code of conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

3.2 WILLINGTON PARISH COUNCIL’S CODE OF CONDUCT

Under Section 27(2) of the Localism Act, the Council adopted the “WPC Code of Conduct” (“the Code”) which can be found on the Parish Council website. It was adopted by Willington Parish Council on 10th July 2012 (minute 1389 refers). It was described by Paul Cullen when we spoke as a “précis” of the South Derbyshire District Council equivalent (though, in fact, there are some differences).

The Code aims “to promote and maintain high standards of behaviour by its members and coopted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council”.

The Code is based on the seven principles of public life – the Nolan principles – and these are referred to in the “Introduction” to the Code. The Code, in particular, includes the following “member obligations”:

- He/she shall behave in such a way that a reasonable person would regard as respectful.
- He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.

3.3 WHEN DOES THE CODE OF CONDUCT APPLY?

Under section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority *when they are acting in that capacity*”. This section of the Act narrowed the remit of the previous national Code of Conduct with the result that the Council (as with other councils) can only investigate matters where a member was acting as a councillor or as a representative of the Council at the time of the alleged incident.

Conduct that might be regarded as reprehensible and even unlawful is not necessarily covered by the code; a link to that person’s membership of their authority and specifically their role as a councillor is needed.

Some activities clearly have no link with the Council such as a purely domestic matter or something that a member may do while employed in work completely unrelated to the Council. Councillors must actually be engaged on Council business or commenting on Council business or acting as a representative of the Authority to be deemed “within capacity”.

4 CONTEXT

Willington is an attractive village, with just under 3000 residents, located on the River Trent around six miles south west of Derby and five miles north east of Burton upon Trent. Its Parish Council has eleven councillors. One of those, Cllr Andrew MacPherson is also a Conservative District Councillor for the Willington and Findern Ward. The District Council is South Derbyshire District Council, based in Swadlincote and its County Council is Derbyshire County Council.

5 THE COMPLAINTS

5.1 COMPLAINT LAC/105 DATED 4th November 2019

A formal complaint raised on 4th November 2019 was received by Legal and Democratic Services on 8th November and assigned reference LAC/105. The Complainant, Mrs Sue Carter, did not ask for her identity to be kept confidential. The text of her Complaint, presented verbatim, reads as follows:

“I attend practically all Willington Parish Council meetings including the sub-group meetings. On 4th November 2019 I went to the Old School for the 7pm meeting of the Recreation and Amenities Committee (RAC). There were two male councillors, one invited male member of the public who is on the committee and two female councillors of whom I wasn’t sure if they were on the committee or not. Cllr Paul Cullen (who isn’t on this committee) set up a camera on a tripod to film the meeting. Once the meeting started Cllr Cullen challenged the Chair as to why the meeting was taking place because the agenda had not been on the noticeboards for 3 days, as stated in the guidance.

“The Chair decided after discussion, that the meeting shouldn’t take place. Once it was closed Cllr Cullen started to pack up his gear. I asked if I could speak. I said that I was disappointed that the meeting didn’t take place as the council were getting behind in so many areas. I also said that all noticeboards should show practically the same notices and that people putting up notices should ensure that they are allowed and that agendas posted should be on time.

“As I was speaking Cllr Paul Cullen started to leave the room but when I’d finished speaking he stormed back and went to Cllr Ros Casey and told her and Cllr Caroline Blanksby to stay put to listen to what “SHE” said and to let him know what “SHE” said. He then started to make his way into the corridor. I shouted, “Who do you think you’re calling “SHE”?”. He turned round in a menacing way and pointed his finger in a stabbing movement mouthing “You! You! You!”

“His look made me feel distraught, distressed and close to tears. As I wasn’t near the meeting table I felt very much on my own. I don’t feel that a councillor should speak to me (and about me), an older parishioner, in such a nasty menacing way”.

5.2 COMPLAINT LAC/103 DATED 11th November 2019

A formal complaint raised on 11th November 2019 was received by Legal and Democratic Services on 13th November and assigned reference LAC/103. The Complainant asked for their identity to be kept confidential because, they said, they had “fears for their safety and their family’s safety with regards to Cllr Paul Cullen”. They believed that “he could resort to physical violence”. The text of the Complaint, presented more or less verbatim, reads as follows:

“[There was] a Wellington RAC committee meeting on Monday 4th November. Committee members present were Cllrs R Casey, C Blanksby and Mr B Davis. [The Chair] was just about to start the meeting when Cllr Paul Cullen (who isn’t a member of this committee) turned up. He proceeded to set up a camera on a tripod and recorded the meeting. [The Chair] opened the meeting, asked for apologies and any declarations of interest and closed the meeting for public speaking. There was one member of the public, Mrs S Carter, plus Cllr P Cullen. P Cullen then stated that the notice for the meeting had been posted on the noticeboard Thursday 31st October and the required 3 full days’ notice hadn’t been given. [The Chair] wasn’t sure because he thought at the time that it included the date posted. At this moment Cllr John Houghton arrived who is on the committee.

“[The Chair] discussed this with the committee and because no one was sure [the Chair] cancelled the meeting but asked if the committee was happy to continue informally to try to advance items on the agenda but not make any decisions. Cllr Blanksby stated that she didn’t want to continue so [the Chair] closed the meeting. At this point Mrs S Carter stated how disappointed she was and that we weren’t achieving anything, she then went onto asking a question about the Parish Council noticeboards. Cllr P Cullen proceeded to leave but tapped Cllr R Casey on the shoulder and said to her and maybe Cllr C Blanksby, “**Stay here until she leaves then report back to me on what she said**”. Mrs S Carter then said to him as he was entering the corridor “**Do not refer to me as she.**” This resulted in Cllr P Cullen losing his temper and verbally abusing Mrs S Carter, it was difficult to hear or step in as he was in the corridor and only Mrs S Carter could see him. Cllr P Cullen then left the building and Mrs S Carter broke down in tears complaining of how upset she was about how she had been spoken to by Cllr P Cullen. I believe that Cllr P Cullen broke the code of conduct verbally abusing a parishioner, Mrs S Carter.”

6 APPROACH

6.1 DOCUMENTS AND OTHER SOURCES

The source materials I reviewed during the Investigation are listed at **Annex 1** below.

My colleague, Karen Potts, attended the 14th January 2020 Parish Council meeting unannounced - and “incognito” with her daughter-in-law - at my request (and cost). Her visit added nothing to the evidence base and I mention it solely for the purpose of completeness, openness, and transparency.

6.2 EVIDENCE GATHERING

6.2.1 Interview details

In respect of the investigations into complaints I carried out at the request of the Monitoring Officer I gathered evidence at interview from seventeen people. I spoke formally to all members of Willington Parish Council, with the exception of Cllr Joe Cullen, who declined to be interviewed:

- Cllr P Allsopp (Chairman)
- Cllr M Bartram
- Cllr T Bartram
- Cllr C Blanksby
- Cllr C Carter
- Cllr R Casey
- Cllr P Cullen
- Cllr J Houghton
- Cllr A MacPherson
- Cllr I Walters

I interviewed Mrs D Townsend, the Locum Parish Clerk. I also gathered evidence from six members of the public. Whilst it is my normal practice to list interviewees by name, in this case, because many interviewees asked for confidentiality, I have not done that in respect of members of the public.

I invited Cllr Martyn Ford who, I was told, is often present at Willington Parish Council Meetings (presumably in his capacity as a District Councillor representing Willington and Findern and Derbyshire County Councillor representing Etwell and Repton) to talk to me. I did not receive a reply to my email and did not pursue it further.

With the exception of Cllr Paul Cullen, I carried out my interviews in two groups. The first group of interviews took place between 13th November and 4th December 2019 with a single interview (delayed by the General Election and Christmas) taking place on 10th January 2020. This group of interviewees was made up of the Chairman, two other Parish Councillors, the Locum Parish Clerk and six members of the public.

I began trying to arrange to speak to Paul Cullen on 22nd January 2020. We finally found a mutually acceptable date and time to speak some six and a half weeks later on 8th March 2020, a Sunday. This delay meant that the interviews that were still outstanding were themselves delayed. The second group of interviews took place between 8th April and 20th April 2020 and was made up of six Parish Councillors.

6.2.2 Interview methodology

The first group of interviews was carried out face-to-face with my colleague, Karen Potts, observing and taking notes. Those interviews all took place either in the homes of the interviewees or those of family members or friends. Where interviews are face-to-face it is my normal practice to talk to interviewees in “neutral” surroundings, such as council offices or meeting rooms, but in this case several interviewees told me they preferred not to be interviewed in locations where they felt they might be seen talking to me. Because of the COVID-19 pandemic I carried out the second group of interviews by telephone, and without Karen’s support.

With the exception of Paul Cullen, a note was produced as a summary of each of the interviews and all those interviewed were given the opportunity to comment on the note whilst it was still in draft. Several interviewees made comments and those comments were reflected in the final versions of the notes, which were then formally agreed by interviewees and shared with them. Section 8 of the Report contains details drawn mainly from the interviews.

At time of writing, Cllr Andy MacPherson, who was sent the first version of his summary note on 4th May, had not signed off the second version of the note. I told him by email on 13th May that I would regard his summary as signed off if I had heard nothing by 18th May and, although I spoke to him before that date and prepared a second version to reflect his comments during that conversation, I had no response to the second version and heard nothing more. I did not pursue him further and have used the draft second draft as evidence.

My discussions with the first group of interviewees were recorded. Once summary notes had been signed-off by interviewees those became the formal record of each interview and the audio recordings and any written notes taken at interview were destroyed in accordance with (i) best data protection practice, (ii) what was agreed with the Monitoring Officer before my work began and (iii) what was agreed with interviewees. When I spoke to Cllr Tim Bartram for a second time I recorded that conversation at his suggestion. That audio recording has now also been destroyed.

My discussion with Paul Cullen took place at the Donington Manor Hotel in Castle Donington and I was accompanied by Karen Potts as notetaker and observer. It was recorded, with Cllr Cullen’s acquiescence, and I believe that he himself recorded the conversation. A verbatim transcript was then produced and shared with him on 5th April – it ran to more than 60 pages. He was invited to acknowledge receipt and make comments. He acknowledged receipt on 16th April.

On 4th May I asked Cllr Cullen by email if he had any comments on the transcript and said that I would assume he was content with the document but would prefer him to confirm that. I said, “It’s a long document, written at least in part for your benefit, and errors of transcription may have crept in because of that. If as I complete my investigation I do find what I consider to be material inaccuracies I will let you know and reissue the document. Should you yourself identify or become aware of any material inaccuracies in the document please let me know as soon as they emerge”. On 6th May Cllr Cullen replied to say, “I do believe there are inaccuracies in the transcript, but they are as much about process as they are about content”.

At time of writing, Cllr Cullen has not made me aware of any errors and, in general terms, I am proceeding on the basis that the transcript is an accurate record as I said I would. Should any question or difference of opinion arise, the audio record will remain until my investigations are complete as the ultimate record. This was made clear to Cllr Cullen when we spoke. Written

notes taken at the interview were destroyed in accordance with best data protection practice once the transcript had been produced.

6.3 THE REPORT

After I had completed the preliminary draft of the Report it was twice peer-reviewed – for quality and to ensure consistency of approach with similar cases across the country. Following those reviews, I shared the draft Report with the Monitoring Officer, who commissioned the Report, so that she could ensure that, on its face, it was indicative of a satisfactory investigation and was of the required standard.

I then shared the draft Report and its preliminary conclusions, in confidence, with the Complainants and the Subject Member. I received a response to the draft Report from each of the Complainants.

The Subject Member acknowledged receipt of the draft Report but declined to comment on it. He was initially asked to comment on the Final Report within eight working days (by 3rd July) – the SDDC “Procedure for considering a complaint that a member has breached the Code of Conduct” stipulates a minimum of five working days – and insisted on an extension to 31st July. The Monitoring Officer offered a further extension of five working days to 10th July (making 13 working days in total). However, the Subject Member said that he would be providing his observations to the Monitoring Officer by close of play on 31st July but would not be communicating with me any further. He subsequently blocked me from sending him emails.

Accordingly, and having received no comments by 10th July, I now submit my Final Report, containing my final conclusions and recommendations, to the Monitoring Officer.

7 CONTEXT OF THE COMPLAINTS

7.1 THE “MEGABUS EMAIL”

What follows in Section 7 below describes a series of events that help the reader to better understand the context in which the Complaints (listed in Section 5 above) sit. It also provides context for other complaints that have been made against Cllr Paul Cullen. I make no comment on these events because they are outside the immediate scope of the Investigation. I leave the reader to draw their own conclusions on the rights and wrongs of what happened.

In late April and early May there was an increasingly tense exchange of emails between Cllr Paul Cullen and then Cllr John Phillips about a proposed car boot sale and the activities of the Dragon pub in Willington. It appeared to me from this exchange that there may have been some “history” between them.

This culminated, on the evening of 4th May (two days after the Parish Council elections), in an exchange of emails using Willington Parish Council email addresses as follows:

4th May – 6.50 pm John Phillips to Paul Cullen (copying other councillors)

“And to be clear Paul WE all look forward to you and your Dad playing an active roll [sic] in the council as you’ve done nothing for months! There is a photo of you and 3 new candidates taken

in the pub but it could be coincidence ... thanks for being as helpful as ever. All the best and welcome back”

4th May – 8.01pm Paul Cullen to John Phillips (copying other councillors)

“I haven’t even started yet Johnny boy.

But for the sake of clarity let me be very clear. I won’t tolerate your bully boy tactics like I have done in the past, if you want to go head to head with me at every opportunity and act like a baby, then so be it, but from now on you and anyone else who insists on trying to intimidate me will get it straight back. When you or your daft mates put as much time and effort in as I do then and only then can you criticise, no serving Councillor has been more active than me and no serving Councillor has been more useless than you, you bring absolutely nothing to the table and you are really are [sic] a waste of space, a more worthless Councillor I have never had the misfortune of meeting. I would urge you Johnny boy to do the honourable thing and step down as a Councillor because your [sic] really not very good at it, in fact you’re beyond useless.

Don’t reply, you’re blocked”

4th May – 9.20pm John Phillips to Paul Cullen (copying other councillors)

“Hi Paul, I’ve had a call from the Mega Bus They’re happy to take all sorts of scum bags and drug dealers back to Liverpool tomorrow ... if you know any please let them know I’ll pay... This is a public service broadcast”

Soon after this exchange of emails it appears that Cllr Joe Cullen (Paul’s father) shared Cllr Phillips’s 9.20pm email more widely in Willington saying that he took “great offence” and suggesting it was a slight on all Liverpool people that Cllr Phillips had suggested that “all people from Liverpool are scum bags and drug dealers”. Joe appears to have invited those to whom he sent it to share it more widely. It appears that Joe also posted to similar effect on the Spotted in Liverpool and the Liverpool Echo Facebook groups and shared John Phillips’s parish council email address on those fora.

In this way there began a series of events which have severely soured relationships in Willington since then. Please note that I have not attempted to list the emails referred to in this section of the Report in Annex 1.

7.2 WHAT HAPPENED NEXT?

Events escalated rapidly after this.

On 10th May Paul Cullen appears to have sent a lengthy email to John Phillips copying in parish councillors suggesting that John Phillips had been guilty of “racist bigotry” and had “racist views”. In that email he criticises other councillors for “remain[ing] silent” and suggesting that he “just leave it”. He also confirms that he has shared John Phillips’s email with Derbyshire Police, Merseyside Police, the press including the Liverpool Echo, the Mega Bus Company and friends and family from Liverpool. He suggests that John’s comments were directed at “an entire City” and that they “have had an adverse impact on my wife and my sons”. On 11th May, Joe Cullen appears to have sent a very lengthy email to John Phillips, copying in fellow councillors and the Clerk, referring to John’s employer and its human rights policy, repeating the allegation that he has

made a racist remark and stating his intention to share the details of what had happened with the Daily Mail, the Daily Mirror, the Liverpool Echo and the Derby Telegraph. On 2nd June Joe Cullen appears to have sent an email to John Phillips's work email address.

On 3rd June Paul Cullen states, in an email message to the Clerk, that he "won't allow the vile discriminatory comments to simply drift in to obscurity". It is clear from this email and others that he is trying, at this time, to get the matter discussed at the Parish Council, something that appears to have continued for several months afterwards. On the same day, the Clerk rejects this after taking advice from DALC (Derbyshire Association of Local Councils).

7.3 THE PRESS

There then follows a period of press involvement. I have attached the first newspaper article from the Liverpool Echo on 3rd June to provide a flavour of the press coverage of the matter. In that article, where Paul and Joe are pictured wearing Everton FC football shirts, Paul declares his allegiance to and love for Liverpool and is quoted as saying that he "was stunned and outraged by the slurs against his home city". He is quoted as saying that he had written to Derbyshire Police arguing that it should be "classed as a hate crime". In the same article there is a photograph of John Phillips, taken from a "council leaflet". The police response that "the statement, while unpleasant, is not classed as a hate crime under current legal definitions" is also quoted and gives the definitive legal position.

As a result of this article John Phillips receives a number of unsolicited emails to his parish council email address, presumably from citizens of Liverpool. The text below gives a flavour of some of them:

"Fuck you ya little baldy rat cunt wouldn't last 2 seconds in this city, derbys full of inbreds with 3 arms anyway Peace out CUNT"

"You are a blatant nonce. From a Liverpool resident"

"How dare you!!! Is Derbyshire a crime and drug free zone ???? How dare you!!! You piece of shit peado nonce".

"You shitbag. Come to Liverpool and shout your mouth off, you shithouse"

On 3rd June the then Clerk immediately resigned having received an email containing the following:

".... sack him or face what this city can do when you piss us off xx"

On 4th June the Liverpool Echo followed up the first article with another with the headline "Derbyshire Cllr John Phillips can expect some fresh faces at his next parish council meeting". Paul Cullen is quoted as saying, "It looks like there will be some people from Liverpool coming to the next meeting, on June 11, who will want to very clearly ask some questions of Cllr Phillips – some of my friends and family definitely want to challenge him." The article goes on "But he said those in attendance will be well-mannered and will behave correctly. He added, "Cllr Phillips clearly already has his own prejudiced ideas about Liverpool so we don't want to feed into that and anyone who comes along will act in an appropriate manner". A similar article, with the same photograph of Joe and Paul, appears in the Derbyshire Telegraph on 4th June. I understand that

the Derbyshire Telegraph and the Liverpool Echo are part of the same media family. Further abusive emails followed.

Also on 4th June Joe Cullen is alleged to have posted a message on the “Spotted Willington” Facebook page (which is curated by Mrs Sue Carter, John Phillips’s mother in law) saying “If you keep removing my post then you leave me with no choice but to send the article to [John Phillips’s employer]. I have been told that this post was removed very quickly by Joe Cullen.

7.4 JOHN PHILLIPS RESIGNS

On 6th June John Phillips resigns as a Willington Parish Councillor. His email of resignation, sent to the Chairman, reads, “Due to safety concerns for my family following recent newspaper articles I resign from WPC effective immediately”.

When the Chairman shares the news with other councillors Paul Cullen replies, “Fantastic news, Johnny S Phillips and his vile discriminatory views have no place in today’s society and absolutely not on Willington Parish Councillor [sic]. I am however very disappointed by the wording of his resignation, acting like he is the victim and the lack of an apology. Maybe something like “Due to the unfortunate choice of words I used in my email dated 5th May, in which I made some unforgivable comments about the people of the great city of Liverpool, where I referred to them as scum bags and drug dealers, I feel the appropriate course of action would be to tender my resignation with immediate affect [sic]. I would like to apologise unreservedly to the people of Liverpool for my choice of words and to the people of Willington for the embarrassment and shame I have brought on the village”. Now that would have been much nearer the mark”.

The resignation is reported in a third article in the Liverpool Echo on 10th June which reuses much of the copy in previous articles. A further article in the Liverpool Echo on 11th June again reuses copy and photographs and reports that John Phillips has “quit his position but is refusing to apologise”. It repeats the earlier suggestion that Liverpool-based friends and family of Paul Cullen had been invited by him “to this week’s meeting of Willington Parish Council as they intended to ask Cllr Phillips about his comments. Cllr Cullen said this would have been done peacefully, adding: “Cllr Phillips clearly already has his own prejudiced ideas about Liverpool so we don’t want to feed into that and anyone who comes along will act in an appropriate manner” The resignation is then reported (similar copy, same photograph) in Derbyshire Live on 11th June.

Minute 346/19 Public Speaking including County, District and Police Representation of the Parish Council Meeting of 11th June reads, “A Resident raised the issue of an email sent from a Parish Councillor and reported in the Liverpool Echo, and asked how this could be dealt with. A Councillor responded that this should be dealt with in an open Meeting. The Chair responded that as the Councillor had now resigned, this matter was private, and could not be discussed in an open meeting due to breaching privacy laws”.

At the Extraordinary Parish Council Meeting on 25th June Mrs Nicola Phillips made the following statement (set out below but repeated here for the sake of completeness):

“As a result of the decision by Paul Cullen and Joe Cullen to publicise a wholly one sided version of *what was quoted as a “tense exchange”, including posting false, defamatory statements in*

regional media and sending vexatious emails to people in our village, my family has faced six weeks of abuse and threats of violence against us and our home.

“Paul Cullen has shown no remorse that following his decision to create these articles that threats had been made not only to my family’s safety and our property, but also the personal safety of the previous clerk who was forced to resign. His final reported comments following my husband’s resignation from this council were “It is somewhat disappointing that the reason he states for his resignation was safety concerns for his family”.

I would like to ask Paul Cullen what sort of serious an incident [sic] would he have liked to have seen where he would not have been (again in his words) “somewhat disappointed”?

The events at the Extraordinary Parish Council Meeting of 24th September are the subject of a separate complaint against Cllr Paul Cullen.

8 FINDINGS – ABORTIVE 4th NOVEMBER MEETING

8.1 MRS SUE CARTER

Sue Carter’s witness statement did not add to the details of the Complaint, which are set out in Section 5.1 above. She told me that she “actually no longer cared about her anonymity. She had submitted [the] complaint and it would be obvious that she had submitted it”.

8.2 WITNESS A

Witness A’s statement reads, “There was to be an RAC Committee on 4th November at 7pm. The Chair had posted the agenda on the morning of Thursday 31st October. There should have been three full days between the posting and the meeting (excluding Sunday and the day of the meeting itself). Joe Cullen (without apology) and Tim Bartram (who apologised) did not turn up though others (Councillors Blanksby, Casey, Houghton (who was late) did as did a non-councillor Brian Davis who is also a member of the committee). A parishioner Sue Carter (mother-in-law of John Phillips) who attends almost all Parish Council and other meetings was also present. She had been attending meetings since she first arrived in the village a few years ago. She runs the Spotted Willington Facebook Group.

“At 6.59pm Paul Cullen arrived with a camera on a tripod and pointed it directly at the Chair from maybe ten or twelve feet away. The Chair opened the meeting for public participation. Paul Cullen was allowed to participate as a parishioner, Witness A said, and at that point he intervened and said that the meeting had to stop immediately because the statutory notice had not been given. Paul was correct though he could, of course, have given advance notice of his objection. Mindful of this the Chair closed the meeting and suggested an informal discussion should take place to progress matters without making any decisions. Councillors Blanksby and Casey refused to do that.

“Paul then turned his camera off and, with a sneer on his face, started to leave the room. As he was doing that he walked past Sue Carter who had asked a question about noticeboards. He said, “you don’t have to take any questions from her” and walked down the corridor. Sue Carter said, “I beg your pardon, who are you talking about when you say “her”?”. Paul returned to the room, tapped Ros Casey on the shoulder and said, “you stay here ‘til she leaves the meeting and then

report back to me what she's said". Sue, a tough lady, then shouted down the corridor "Who are you calling she?" there was then an exchange in the corridor, though Witness A did not know what was said. Paul Cullen reduced Sue to tears, and she asked the Chair, Brian Davis and John Houghton why they had not protected her. It happened in a flash.

Having been calm and quiet at meetings when Witness A had attended as a parishioner, Paul Cullen was no longer like that. "The red mist seems to come up". He had gone to that meeting with the intention of stopping the meeting and make the Chair look like a fool. Why would he point a camera at the Chair, a fellow councillor?"

8.3 WITNESS B

Witness B's statement simply said that, "Paul Cullen had ruined a recent RAC meeting because he had pointed out that the agenda had been posted a day late and the Chair had closed the meeting. Witness B thought that Paul was trying to get the Chair to make a mistake by continuing with the meeting, but he had not. After the meeting closed Paul had then had an argument with Sue Carter and called her "she" and she had replied "Who are you calling she?""

8.4 COUNCILLOR JOHN HOUGHTON

John Houghton shared with me an email which was timed/dated 10.10pm on 4th November 2019 and sent by John to himself. It was headed "Events at the RAC Meeting". The text is set out below [items in brackets are additional commentary provided by John as he reviewed the email with me]:

"I turned up a few minutes late and the meeting seemed to have started. In the corner was Cllr Paul Cullen with a DSL camera on a tripod recording video. Cllr Caroline B[lanksby] and Cllr Ross C[asey] had their backs to the camera. Brian (RAC member) was present [Brian Davis an engaged member of the public who assists with the business of the RAC].

Cllr Phill Allsopp appeared to be answering a procedural query to Cllr [Paul] Cullen. It became clear that Phill and Paul were debating whether the RAC meeting could continue as it was claimed the agenda had not been published on notice boards with[in] the required time frame.

Phill explained he did it Thursday morning for a Monday meeting and was counting, Thursday, Friday, Saturday as the 3-days. Paul stated that this was not our standing orders and it needed 3clear days. I stated that I also thought it was done in time but that I would try and locate the standing orders to verify.

I did not have my laptop with me and therefore it was difficult to search for the information.

Caroline, Ross and Brian didn't contribute to the discussion at this point. Phill and myself stated that we were happy for the meeting to proceed, even if no decisions were made. Caroline and Ross were asked and they stated that they couldn't see how it could if it was not compliant with standing orders.

I asked Cllr Cullen was there a reason why he didn't want the RAC Meeting to proceed as many other meetings, including the Footpaths Group (which he previously chaired) have conducted meetings without objection when they had not been published with sufficient time. He stated that it didn't comply with regulations or standing orders.

I said that is a real shame as this is not helping us to achieve anything for the benefit of the village, which he agreed to. [What is not stated here is the anger – he went red in the face – throughout all of this]. It was at this point that Cllr Allsopp declared that the meeting couldn't proceed. Sue Carter [who was a member of the public] made a statement about how disappointed she was that we are not achieving anything. Cllr Cullen switched his camera off and got up to leave.

The following events happened so quickly that it was difficult to react to stop them. Cllr Cullen stopped on the way out and said to Cllr Ros Casey something like "You don't have to answer questions from the public. Make sure you stay and listen to what "she" has to say" (referring to Parishioner Sue Carter) [Paul emphasised the word "she" and spoke with a tone of anger in his voice]. He then walked out into the corridor.

Sue Carter then stated something along the lines of "do not refer to me as "she". This resulted in Cllr Cullen losing his temper and verbally abusing Sue Carter from the corridor. It was difficult to step in as Cllr Cullen was not in the room whilst he was insulting Sue Carter. Cllr Cullen left and Sue Carter broke down in tears about how upset she was about how she was spoken to. Cllr Ros Casey and Cllr Caroline [Blanksby] said nothing throughout.

I stated that their behaviour is getting worse. Phill stated "I don't know how you can support that behaviour" which was directed at Ros and Caroline. I said, "it is even spilling over to external groups with lies and incorrect information been spread by the other Cllr Cullen". The meeting disbanded and we all left."

8.5 COUNCILLOR TIM BARTRAM

Tim Bartram was not present at the RAC meeting but "observed though, that Paul Cullen 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. Tim had been told by Ros Casey and Caroline Blanksby afterwards that Paul's behaviour had been fairly low key".

8.6 COUNCILLOR ROS CASEY

Ros Casey said in her statement "that Paul definitely raised his voice and he did lose his temper but did not verbally abuse [Sue Carter]. Sue, who attends many meetings of the Council and its committees, was raising her voice at him. However, Paul was not there in his capacity as a Parish Councillor because he is not a member of the RAC so the complaint should not stand. It was the same as her own complaint against Ian Walters who had not been there as a Parish Councillor when he threatened her.

"[I] said that it was further alleged that Paul Cullen had left the hall before coming back in and telling Ros and Caroline Blanksby to stay and listen to what "she" had said. Sue had something like, "Who do you think you are calling "she"? Don't you speak to me like that". Ros confirmed that Paul had replied and pointed (rather than jabbed) his finger at her and said, "You" (rather than "You, you, you"). He was not in direct physical proximity to her at the time. He was standing at the door and she was sitting at the table behind Caroline [Blanksby]. Sue had become upset because she asked why no-one gave her any support. Ros thought she had burst into tears in frustration and anger at this. Neither she, Caroline, John or Phill said anything.

“[I] asked if Paul had behaved appropriately in saying what he said. Ros said that it was all to do with what was going on. “He must live and breathe this, it must never be off his mind, it must be sending him insane. I believe that he is ill”. Caroline and Ros are worried about him. He is easily wound up but did not used to be. He let things wash over him and was laid back. Now he was “like a coiled spring”. However, he won’t step down because that is what “they” want him to do.

““They have done this to him”. [I] asked who “they” were. Ros said the Phillips family and John Houghton, definitely. John winds him up all the time and pushes his buttons at every meeting. For example, Paul is passionate about the Footpaths Group and John had tried to get it disbanded. That was why Paul had stepped down so Tim Bartram could chair the group. Parishioners want the group we all want the village to look nice and the Footpaths Group contributed to that.”

Sue Carter observed, when commenting on the Report whilst it was still in draft, that it was difficult for her to understand how Ros could see what was happening as she had her back to herself and Paul and would have been unable to see Paul.

8.7 COUNCILLOR CAROLINE BLANKSBY

Caroline Blanksby said in her statement that Paul was present as a member of the audience and a member of the public. He was very knowledgeable and knew “all that stuff [standing orders etc.] upside down, standing on his head”. He was a stickler for such things being done correctly and John and Phill were seething. It was right to stop the meeting because procedure had not been followed.

“Caroline did recall Sue Carter bursting into tears. Paul went out of the meeting. Sue Carter continued to talk to John Houghton and Phill Allsopp. Paul came back in. Caroline was with Ros Casey. He was “wagging his finger” at all of us, not just Sue. He said, “Careful, make sure you listen to what she says because she always talks about me behind my back” and then he left.

“[I] said that it had been suggested that Sue had said, “Who do you think you are calling she?” before Paul turned round, jabbed his finger and said, “You, you”. Caroline did not recall him jabbing his finger, but he did say, “You, I’m talking about you”. In Caroline’s view his behaviour was appropriate “because she was talking about him and he had perhaps caught her out”. He did not trust Sue Carter because Nicola Phillips was her daughter. He had not been aggressive towards Sue.

“Caroline had no idea why Sue had burst into tears, nothing happened to warrant her doing that. She did not give her any sympathy, nor did Ros Casey, “she probably did it for effect”. They made no comment and simply sat there as this happened”.

Sue Carter observed, when commenting on the Report whilst it was still in draft, that it was difficult for her to understand how Caroline could see what was happening as she had her back to herself and Paul and would have been unable to see Paul.

8.8 COUNCILLOR PAUL CULLEN

That part of the conversation that I had with Paul Cullen when I spoke to him about his alleged behaviour on the evening of 4th November is transcribed below. Please note that this differs in

some small details from the transcript already shared with Paul (which he had not signed off at time of writing) because I felt that absolute accuracy was important here:

“MK – I’m conscious of time, it’s half eleven, we’ve been going quite a long time. I’m going to move onto [Complaints LAC] 103 and 105 which are both about the same alleged incident after the RAC meeting on 4th November, this is the one, I think, where you are said to have gone along and to have started filming and, because the amount of time, sorry Because the agenda hadn’t been posted according to the Standing Orders, so it hadn’t gone up in time, the meeting should not have taken place. Ergo, the meeting shouldn’t take place and I think you said that and Phill took a bit of consultation

PC - Phill’s incompetent ..

MK - and then stopped ... then the meeting was brought to an end.

PC – Yes, I mean it was embarrassing but, again it’s important for me to give you a bit of background on the lead up to the meeting. So, as I’ve already said, I was the I think there had been a Footpaths Group in Willington - I don’t think it was attached to the Parish Council many, many years ago - but I sort of reinvigorated that a few years ago, it has becomeIt’s very well attended, it’s got lots of non-Parish Councillors who are members of the Committee, so nonCouncillors with voting rights. I think there are five of them. It’s a very, very successful group and it will only get stronger. All meetings, whether full Parish Council or sub-committees or committee meetings, have to give the statutory three days’ notice and the rules around that don’t include weekends and day of posting and day of meeting and so on.

“I posted Footpaths meetings There’s a notice board probably the nearest notice board to both myself and Phill Allsopp’s house and to comply there are occasions when it’s last minute. It’s like “Oh I haven’t posted the agenda for the Footpaths meeting. If I don’t get it up tonight before midnight, I can’t have the meeting”. So, it will be like the night before it goes up. It only has to go up in one place. I then go walking the dog at night-time only to find my “my agendas” [correcting himself] ... the agenda that I have posted has been removed from the notice board of which he’s admitted doing. No, he didn’t actually admit it. He didn’t say “I’ve done it”, but he didn’t deny it. So, I can’t prove that he did it, which was petty and again he was saying by removing it it has to be displayed in a public, conspicuous place in public three days before, so by him removing it, it wasn’t displayed in a conspicuous place. So, to this day, every time I post a notice, I take a photograph of it straight away, so if he removes it it’s his choice and there have been some removed subsequently. So that was on the lead up to the meeting.

“On his particular meeting on that day he posted the ... it was ... I think it was a Monday meeting which means you have to post on Wednesday? Thursday, Friday, SaturdayYes that’s right. He posted on Thursday which meant he hadn’t given the statutory three days’ notice. So, I went to the meeting and yes, you’re absolutely right, I challenged him on his statutory notice. He didn’t clearly hadn’t got a clue what it was. He said, “Yes, that’s right, it’s three days” and I’ve given it three days. I think you know everything else. The only other thing I’d say on that really is that it’s embarrassing. He is such a poor Chairman to the point where he was going to carry on with the meeting. Which clearly, under the legislation he can’t do but the important thing for me is I wasn’t The meeting started, he did his introductions, he went through declaration of members’ interests and he got to public participation. I don’t sit on that committee and it was at the point

where we got to public participation that I raised my concerns. So, again, I don't believe that I was, you know, I don't sit on that committee, I was sat it wasn't ambiguous, I didn't sit around the table with them I sat with the public. There was only one member of the public which happened to be Sue Carter, so I don't believe that I was in capacity.

MK – So, it is alleged that after all that had happened and the meeting had been closed down, you lost your temper with an older female parishioner.

PC – She's actually given her name on that complaint.

MK – Did she?

PC – She did, yes.

MK - You attended the meeting, pointed your finger at her in a menacing way, verbally abused her before leaving the building. Your behaviour it is alleged was, quote, "nasty and menacing" and the parishioner was distraught and distressed and burst into tears as a result. It is further alleged that after she spoke about notice boards or something.... After she'd finished speaking, having left, or at least partly left, you stormed back and went to Councillors Ros Casey and Caroline Blanksby, told them to, "Stay put and listen to what "she", the parishioner, said and to let you know what she said." The parishioner "she" being the operative word The parishioner is alleged errr ... to shouted out to you, "Who do you think you are calling "she"?" You, it is alleged, turned round in a menacing way, pointed your finger at her in a stabbing movement saying "You, you, you."

PC – That's not completely There are a few inaccuracies in there but generally speaking, I mean, I didn't leave and come back it was all in one But, yes, I absolutely said to Caroline Blanksby and Ros Casey but I didn't ask them to stop I just said because I know she's bad mouthed me in the past and I know that she will bad mouth me in the future.

MK – She, Sue Carter?

PC – Sue Carter, yes, the mother in law of John Phillips.

MK – So did you do that?

PC – I mean, it's all about perception isn't it?

MK – It is, yes.

PC – Her perception is that I acted in a menacing manner and pointed my finger, her complaint surrounds my for me, it would have to be, I would have to be in capacity for it to be a Code of Conduct complaint. I never gave anybody the impression, including Sue Carter that I was there in anything, I've got the audio recording of the entire

MK – Can you share that with us? I don't think I've got it.

PC – No, nobody would have unless Phill Allsopp or John Houghtonbecause they were both there.

MK – It would be good if you shared that with me.

PC – I think for me, before I would do that, I'd just need to understand that I just need to understand that I think I've said to you via email and I think I've said it here today, I'm kind of comfortable in my own mind now where I'm going in the future, I don't know when that will be, I'd like to think it's after you've concluded your investigation and the Monitoring Officer has made her decision on how she wants to proceed with it because if it does go to Standards Committee, then I would want to attend and defend myself there as well. So, I suppose what I'm saying is that [brief pause] for me to share the audio recording with you now, if I was sat on that committee and I was acting as a Parish Councillor, I would have no objection to sharing it with you quite freely now but I don't feel that I have to.

MK – You don't.

PC – No, no, no – and this is no slight on you - I don't feel that I should have to justify my actions when I'm acting as Paul Cullen, number 12 Tailby Drive, Willington, Derby. Otherwise it just becomes an open duck shoot. Every time I do Do you know what? In fact, that's a really good point because I do when I go out now after.... I've got like a body harness and this goes out with me [Paul picks up a small Dictaphone] under my coat and if I see John Houghton walking across the fields with his dogs, it comes down and it's turned on. So, I was very clear, at that meeting that I was acting as a member of the public.

MK – OK, all right.

PC – I don't sit on that Committee.

MK – No, I understand.

PC – I don't sit on RAC, I sat in the public, with Sue Carter. So, I fail to see how I could have been acting as anything that I wasn't

MK – So, if you had been in capacity. If you had sat on that Committee are you saying that there would be a legitimate case to question your behaviour towards her?

PC – No, no.

MK – You're not saying that?

PC – No, I'm not saying that. I'm saying I'd share the video ... I'd share the audio recording with you because it would, you would then be able to conclude your Code of Conduct complaint. For me, I'd take it one step further back I don't think it is a Code of Conduct complaint because I wasn't

MK – Ok, but did you do what was said? Was there a shouting match? Did you point your finger at her?

PC – No, no, I said to Ros and Caroline can you just make sure that you stay, in fact I didn't say make sure you stay, I said, just tell me if she says anything about me because as I walked out of the door she stood up, in fact, before, while Phill Allsopp and John Houghton were having their deliberations about surrounding whether there should or shouldn't be a meeting and they were going to continue and they weren't going to continue "well it's 3 days' notice, well I think Thursdays are counted, what do you think? Well I think it is, well shall we carry on? Well I'm not sure". Sue Carter then goes, "You know, I think we should continue, I think it would be a great

shame for the meeting to not go ahead, there are important things to discuss". Absolutely, I couldn't disagree with anything she said. I never said anything, I never spoke to her at all. Phill Allsopp said "Well, ok, that's it then, I'm shutting the meeting" and he said "Thank you Paul" to me. I said "I'm going now, so Caroline can you just make sure they don't say anything about me" to Caroline and Ros and as I'm walking out the door, Sue Carter stood up and doing the exact thing that I thought that she would do which was started to say something about "He's got his own way again" of "See what he's managed to do now" or something. So that's when I turned

MK – All I would say Paul is, if you could see your way to share that audio with us, then I would know that wouldn't I? I'll say no more but I would know that, and I would know what had been said, end of.

PC – Yes, no but then.....it's just honestly, it is purely about if I was sat on that Committee as a Parish Councillor, I would let you listen to it. I don't see why I should have to

MK – You don't have to. I'm just saying that we're here to investigate it. If you are able to demonstrate that that is indeed what was said and that it was very low key and there was no jabbing of fingers and so on and so forth then it helps doesn't it? Because like I've said to you, my interest is in getting a balanced ... we want to get a balanced view of it. We don't want I want to get to the right result as it were and if you've got an audio of it then that helps me get to the right result. There may be one but I'm not aware of it.

PC – There might be one, I don't know. I know I've got mine and I remember we spoke earlier about protection, I mean that's what that's there for but I just, I genuinely don't understand why I should have to justify my actions when I'm being investigated under a member Code of Conduct Complaint when I wasn't acting as a and was very clearly not acting in my capacity as a Parish Councillor.

MK – OK. I can't say any more, and I've asked you and you don't want to share it so let's move on.

PC – If I was, I would share it but if I wasn't, so I absolutely wasn't. The only other point I'd mention on the ... when, I think, the complaint came through about the November, I've got it here what number is it 1...? I've got it here.

MK – 103 and 105, is that what we are talking about? Sorry, are we talking about this one or is there something else?

PC – No, 103. 105?

MK – 103 and 105 are about the same incident. There are two complaints about this incident.

[Long pause whilst PC looked through papers]

PC – OK. So, 103.... complaint, this is going to sound like I'm being pedantic but I'm trying to defend myself.

MK – Be pedantic, be pedantic

PC - It says "I have a right to inform you that I've received a complaint about your conduct. The complaint was received on 13th November. The allegations relate to your conduct at Willington RAC Committee meeting held on 4th November. I have asked, and I have searched the website, I

searched it this morning before I came, and I've asked at numerous Parish Council meetings for the minutes of the RAC meeting from 4th November and there isn't any.

MK – I presume there wouldn't be if there wasn't a meeting.

PC – But the charge lodged against me is my conduct at the RAC meeting on 4th November and again as I say, you understand why I feel I'm being pedantic because there was no meeting on 4th November.

MK – OK.

PC – And if there was, I wasn't acting in my capacity.

MK – OK, so you're saying that even if you had been acting in capacity your behaviour was appropriate.

PC – Absolutely."

9 EVALUATION OF EVIDENCE

9.1 AUDIO RECORDING

Paul Cullen told me when we spoke on 8th March that he had an audio recording of what took place at the Old School on the evening 4th November. I asked him for a copy of that recording four times during our conversation, but he declined to share it. I have not repeated that request since. His argument appeared to be that, if he had been acting "in capacity" as a Parish Councillor at the meeting of the RAC, then he would have been willing to share it. But because he was not "in capacity" then he would not share it. The reader should note that I can only reach my conclusions based upon the evidence available to me.

9.2 EXCHANGE BETWEEN PAUL CULLEN AND SUE CARTER

I now intend to focus on the exchange of words that took place that evening between Paul Cullen and Sue Carter.

Mrs Carter's version of events was that after the meeting closed, whilst she was speaking, Cllr Paul Cullen started to leave the room but as she finished speaking he stormed back in and told Cllrs Casey and Blanksby to stay put and listen to what "SHE" said and let him know what "SHE" said. He then started to make his way into the corridor. Mrs Carter shouted, "Who do you think you're calling "SHE"?" Cllr Cullen turned round in a menacing way and pointed his finger in a stabbing movement mouthing "You! You! You!" As a result, she felt distraught, distressed, and close to tears. She felt very alone. She had been spoken to as a parishioner in a "nasty, menacing way".

By contrast, in discussion, Cllr Cullen focused heavily on the actions and competence of the Chair, the reasons why he had been at the meeting and why it had been correct to cancel the meeting. He made much of the fact that, in his opinion, he had not been "in capacity" (see Section 10.1 below). He did not say a great deal about the exchange between him and Sue Carter and simply said that he had not left the room and come back – "it was all in one". As he was leaving the room

he had said to Cllr Blanksby “I’m going now, so Caroline can you just make sure they don’t say anything about me?”. Mrs Carter had said something like, “He’s got his own way again” or “See what he’s managed to do now” which was when he turned. [In commenting on the Report whilst it was still in draft Sue Carter said that she knew that had not made this remark].

Whatever did happen, John Houghton certainly thought that it was serious enough to send a near contemporaneous record of it to himself (the email has been shared with me and appears to be genuine). As he went through the email with me, Cllr Houghton referred to Cllr Cullen’s anger – he went “red in the face”. He had stopped on the way out and said to Cllr Casey that she did not have to answer questions from members of the public and something like, “Make sure you stay and listen to what “she” has to say”. He had emphasised the word “she” and had a tone of anger in his voice. He had then walked into the corridor. Mrs Carter then said something like “do not refer to me as “she”” before Cllr Cullen lost his temper and started abusing Mrs Carter from the corridor. After Cllr Cullen left Mrs Carter broke down in tears about how upset she was about how Cllr Cullen had spoken to her. Cllrs Casey and Blanksby had said nothing during the exchange. Whilst differing slightly in the sequence of events and some small details, Witness A’s statement reflects Cllr Houghton’s email and, like the email, ends with Mrs Carter being reduced to tears. Witness B, who was not present, alleges that Cllr Cullen had had an argument with Mrs Carter and called her “she” whereupon she replied, “Who are you calling “she”?”

When I spoke to Cllr Casey about what had happened she said in her statement that Cllr Cullen had “definitely raised his voice and did lose his temper but did not verbally abuse” Mrs Carter. Cllr Casey appeared to agree with the substance of the verbal exchange. She agreed that Cllr Cullen had replied to Mrs Carter and said he had pointed (rather than jabbed) his finger. He had said “You” rather than “You, you, you”. He was not close to Mrs Carter – he was standing by the door and Mrs Carter was sitting at the table behind Cllr Blanksby. No-one had given her any support and Cllr Casey thought she had burst into tears in frustration and anger. Neither she nor Cllrs Blanksby, Allsopp or Houghton had said anything.

Cllr Blanksby’s account confirms that Mrs Carter had burst into tears, that Paul had been “wagging his finger” at everyone in the room and said “careful, make sure you listen to what she says because she always talks about me behind my back” before leaving. Cllr Blanksby thought Cllr Cullen’s behaviour had been appropriate; he had not been aggressive towards Mrs Carter. She had no idea why Mrs Carter had burst into tears because nothing had happened to warrant it; she had probably done it “for effect”. “They” (Cllrs Allsopp and Houghton?) made no comment and simply sat there as it happened”

10 CONCLUSIONS - WAS THERE A BREACH OF THE CODE OF CONDUCT?

10.1 WAS THE SUBJECT MEMBER ACTING IN AN OFFICIAL CAPACITY?

Before reaching a conclusion on whether a breach or breaches of the Code took place, I must first establish whether Cllr Cullen was “in capacity” when he attended the Recreation and Amenities Committee Meeting at the Old School on 4th November.

When we spoke, Cllr Cullen was very clear that he did not believe that he was “in capacity” when he attended the meeting and could not, therefore, have breached the Code. Indeed, he used that as his justification for not sharing with me the audio recording that he said he has in his

possession. He was not, he said, a member of the RAC and could not, therefore, have been in capacity. Like Mrs Carter, he had sat in the public area with his camera and, like her, was there as a parishioner and not a Parish Councillor. Cllrs Tim Bartram, Casey and Blanksby expressed the same view.

By contrast, the Complainants clearly thought he *was* in capacity. To be clear, it is *not* the case that, because Cllr Cullen was not a member of the RAC he was *by definition* not in capacity. It is certainly possible for a councillor to be in capacity in informal settings let alone the more formal setting of a meeting of the RAC, member or not.

In order to establish whether, based on the evidence and the balance of probability, Cllr Cullen was in official capacity, I must consider Cllr Cullen's *motives* for attending and *what he did* when he attended that meeting.

First, Cllr Cullen told me, with obvious pride, how he had founded, or at least "reinvigorated", the Footpaths and Open Spaces Group. He described it as "a very, very successful group and it will only get stronger". He said, though, that "the Gang of Six" (Cllrs Allsopp, MacPherson, Houghton, Mark Bartram, Carter, and Walters) had closed it down. And they had done that, he said, because it was successful and was closely linked to him. For example, he said, the Group was introducing beavers in conjunction with the Derbyshire Wildlife Trust and had a regular programme of work associated with litter picking and maintenance of footpaths and open spaces. Towards the end of our conversation Cllr Cullen told me "we have two groups who want the same outcome for the village fighting against each other here, it's ludicrous". That second group is the Recreation and Amenities Committee. The two groups appeared to me during my Investigation to have some overlap in their terms of reference. The strains between the two groups are evident in an email sent by Cllr Cullen to Phill Allsopp on 20th June, an email which is included in another complaint. The subject of that email was litter picking, one of the apparent areas of overlap. Tim Bartram confirmed the antipathy between the two groups when he said that he himself "was now Chair of the Footpaths and Open Spaces Group Paul had decided to step down as Chairto ensure that the good work that it had done continued By contrast the RAC achieved little."

Next, it seemed clear when we spoke that Cllr Cullen dislikes the Chair of the Parish Council, Phill Allsopp and has little or no respect for him. Phill was also Chair of the RAC on 4th November. When we spoke, Cllr Cullen used words such as "poor", "very weak", "pathetic", and "incompetent" to describe him. He said that he "failed to consult", accused him of "failure to communicate" and said that he was guilty of "freelancing at will". In an email to Cllr Allsopp on 6th June, Cllr Cullen referred to "the maverick manner in which you have acted in your first month in post". He was critical when we spoke of what he sees as Cllr Allsopp's lack of relevant procedural and legal knowledge. A specific example was his failure to post the RAC agenda in time for the 4th November meeting. Cllr Cullen spoke somewhat pejoratively of the discussion between Phill Allsopp and John Houghton at the RAC about whether the meeting could still go ahead.

Finally, it was clear too to me when we spoke that Cllr Cullen "knows his stuff" - some might say to the point of unhelpful pedantry. He has knowledge, to choose some examples that he and I spoke about, of the Public Bodies Admission to Meetings Act 1960, the Openness of Local Government Regulations 2014, the Local Government Act 1972, and the Willington Parish Council

Standing Orders. Tim Bartram told me that “they did not like Paul perhaps because he was knowledgeable about Parish Council procedure” and also “because he could “pull them up” when they were trying to get their own way”. Caroline Blanksby said in her statement that Paul “was very knowledgeable and knew “all that stuff [standing orders etc.] upside down, standing on his head”. He was a stickler for such things being done correctly.”

Based on the evidence above it appears to me that Cllr Cullen did not attend the meeting in order to contribute and learn as a parishioner, as maybe Mrs Carter did. Instead his decision to attend the RAC meeting (with camera) on 4th November was closely related to his desire to cast the RAC in a poor light and expose what he saw as the Chairman’s perceived weakness as a Chair and his perceived legal and procedural incompetence as compared to his own (undoubted) knowledge. This is certainly the view of Witness A who suggested that Cllr Cullen “had gone to that meeting with the intention of stopping the meeting and make the Chair look like a fool”.

In doing that Cllr Cullen was commenting on Council business in the formal setting of a committee meeting and drawing on his own procedural knowledge *as a councillor* rather than a parishioner when he raised his objection about the posting of the agenda. As a fellow councillor, the courteous thing to have done if he had spotted a procedural irregularity such as that would have been to tell the Chair *before* the meeting and thus avoid wasting the time of others. Instead Cllr Cullen appears to have chosen a public forum to expose what he saw as the Chairs’ incompetence, which he hoped to capture on video, and to denigrate the RAC. In doing this the strains within the Council were once again laid bare for the public’s attention when the issue ought, I suggest, to have been dealt with privately.

The issue of where the boundaries lie between a councillor acting as a councillor and a councillor acting as a private citizen has been explored in a number of cases.

In *Livingstone v Adjudication Panel for England* [2006] Mr Justice Collins considered the scope of the Code in relation to when a councillor is acting in their official capacity. Mr Justice Collins stated at paragraphs 27 to 29:

“Conduct which is regarded as improper and meriting some possible sanction will often be constituted by misuse of a councillor’s position. He may be purporting to perform his functions if, for example, he seeks to obtain an advantage by misusing his position as a councillor. Such misuse may not amount to corruption; it may nonetheless be seen not only to be improper but to reflect badly on the office itself. If the words “in performing his functions” are applied literally, it may be said that such misuse, and other misconduct which is closely linked to his position as such may not be covered.

... Thus where a member is not acting in his official capacity (and official capacity will include anything done in dealing with staff, when representing the council, in dealing with constituents’ problems and so on), he will still be covered by the Code if he misuses his position as a member. That link with his membership of the authority in question is in my view needed. This approach is very similar to that adopted in Scotland and in my judgment accords with the purpose of the Act and the limitations that are appropriate. It is important to bear in mind that the electorate will exercise its judgment in considering whether what might be regarded as reprehensible conduct in a member’s private life should bring his membership to an end in due course...

The Livingstone judgment was considered in detail in “Bartlett v Milton Keynes Council [2008] APE 0401” in an appeal from the local standards committee. In the Tribunal’s view, the Livingstone judgment established that for a councillor to be acting in an official capacity: -

- the councillor should be engaged in business directly related to the Council or constituents;
- the link between the councillor’s office and the conduct should have a degree of formality.

Following Bartlett, Cllr Cullen was clearly engaged in business related to the council as he was present at a meeting of the Council and had raised points of order relating to the Council’s procedural rules. Furthermore, unlike the Livingstone case where the conversation was with a journalist in the street on matters unrelated to the Council, the discussion took place in and around the Council chamber and arose from matters discussed at the meeting.

Cllr Cullen says that, as he is not on the committee he was not there in his official capacity but was merely attending the meeting as any member of the public was entitled to do. It has been specifically considered by the courts whether a councillor can at any stage during a council meeting divest themselves of the councillor role and speak instead as a member of the public. In 2003, following detailed consideration of paragraph 12 of the then Members’ Code of Conduct in the case of **Paul Richardson and another vs North Yorkshire County Council and the First Secretary of State** the Court of Appeal made an important judgement. The effect of it was that a member of an authority attending a council meeting could not divest himself of his official role as a councillor in a representative capacity, simply by declaring his attendance in a private capacity. He is still regarded as conducting the business of his office and, in line with Bartlett, engaged in business directly related to the Council. Only by resigning can he shed that role.

I therefore conclude from the evidence available to me and based on the balance of probability that Cllr Paul Cullen was acting in official capacity when he attended the abortive meeting of the Recreation and Amenities Committee on 4th November.

10.2 WAS THERE A BREACH OF THE CODE?

The last step, therefore, is to consider whether, ***based on the balance of probabilities and the evidence that I have available to me***, there was a breach of the Willington Parish Council Code of Conduct by Councillor Paul Cullen on the evening of 4th November 2019.

In the absence of the audio recording, which Cllr Cullen told me he had in his possession but declined to make available to me, I can only draw upon the statements of those who were present to try to understand what was said and what actually happened.

In drawing on that evidence, whilst there are some minor differences of detail, I believe that a reasonably consistent picture of the chain of events emerges:

- (i) After the Chair closes the meeting, Cllr Cullen switches his camera off and starts to leave the room as Mrs Carter begins to speak about her disappointment that the meeting has not taken place and says that the Council is not making progress.

- (ii) Cllr Cullen probably says to Cllr Casey, as he is walking past Mrs Carter, that councillors do not have to take questions from her (Mrs Carter).
- (iii) Whilst he is leaving (or, less likely, as an afterthought having started to walk down the corridor and then returned to the room) Cllr Cullen tells, or perhaps asks, one or both of Cllr Casey and Cllr Blanksby to remain and report to him what Mrs Carter has said about him.
- (iv) In doing that Cllr Cullen appears to refer angrily to Mrs Carter as “she” saying “make sure you listen to what “she” has to say”.
- (v) Mrs Carter, probably angrily, shouts to Cllr Cullen who by this time is in, or approaching, the corridor and asks, “Who are you calling she?” or something similar.
- (vi) Cllr Cullen raises his voice and replies angrily to Mrs Carter either from the corridor or, more likely, from the doorway. He appears to have jabbed or wagged or, less likely, pointed his finger at her and said “You”, probably two or three times. It is possible that further angry words are exchanged between them.
- (vii) Cllr Cullen is not physically close to Mrs Carter and is not physically threatening or aggressive towards her.
- (viii) This happens quickly and no-one else says anything before Cllr Cullen leaves the building.
- (ix) Mrs Carter is distressed and is close to tears as a result of what Cllr Cullen has said.

Based on the evidence and the balance of probability I conclude from this that there was some kind of brief, angry exchange of words between Paul Cullen and Sue Carter that evening. I further conclude that Cllr Cullen’s behaviour towards Mrs Carter, a parishioner, at the abortive RAC Meeting was inappropriate behaviour for a parish councillor attending a meeting of a committee of the Parish Council. Indeed, it would also have been inappropriate if Cllr Cullen had attended, as he insisted, as a parishioner.

It may be that, in Cllr Cullen’s eyes, his behaviour was justified. As he said to me in his email of 6th May, “Nicky Phillips and the entire Phillips/Carter family are ... fully paid up members of the Paul Cullen hate society. I’m sure you are fully aware that Nicky Phillips and Sue Carter are the wife and mother-in-law of the infamous former Willington Parish Councillor John Phillips who is responsible for the “Drug Dealer and Scum Bag” email. They both clearly have an axe to grind with me and it has been put to me recently by a friend who knows Nicky Phillips, “she has a score to settle with you”. The events to which Cllr Cullen is referring here are discussed in some detail in Section 7 above.

In reaching my conclusion about what happened I note, in particular, that Cllr Cullen kept insisting that he was not “in capacity”. Cllrs Tim Bartram (who was apparently not present when the incident took place), Casey and Blanksby also mentioned that Cllr Cullen was there as a member of the public so could not, therefore, have been “in capacity” and could not have breached the Code.

This focus on “capacity” in itself suggests to me that Cllr Cullen *did* behave inappropriately at the meeting even though Cllr Blanksby justified his behaviour because he had caught Mrs Carter talking about him. That said, when I asked Cllr Cullen whether his behaviour had been appropriate he replied that his behaviour had been appropriate whether or not he was in capacity.

In light of the above I conclude, based on the balance of probabilities and the evidence that I have available to me, that Cllr Paul Cullen breached the Willington Parish Council Code of Conduct in that he did not treat Sue Carter and his fellow councillors with courtesy and respect and thus did not “behave in such a way that a reasonable person would regard as respectful”. In reaching this conclusion I note that the Code makes no reference to “bringing the Council or the office of Councillor into disrepute” even though I do not doubt that Cllr Cullen’s behaviour did exactly that.

I now move finally onto whether Cllr Cullen was “nasty and menacing” as Sue Carter alleged and therefore “acted in a way which a reasonable person would regard as bullying or intimidatory” at the meeting on 4th November.

I begin by asking “What do “bullying” and “intimidatory” mean?” The Cambridge English Dictionary defines “intimidate” as “to frighten or threaten someone, usually in order to persuade them to do something that you want them to do”. It defines “bullying” as the behaviour of a person who hurts or frightens someone smaller or less powerful, often forcing that person to do something they do not want to do”.

The Government definition of bullying in the workplace includes the following examples of bullying and harassing behaviour – spreading malicious rumours, unfair treatment, and picking on or regularly undermining someone. The definition tells us that bullying and harassment can happen face-to-face, by letter, by email and by phone.

I choose these “reasonable” definitions by design instead of those of organisations that might be said to be part of the “bullying industry”.

It seems to me, based on the facts and the balance of probability, that some of the actions and behaviours exhibited by Cllr Cullen as the events described in Section 7 above unfolded might be construed by a reasonable person as intimidatory and that he could therefore be capable of such behaviour.

Turning to the Complaints and the meeting on 4th November, it seems to me that Cllr Cullen was angry and that his behaviour was not dissimilar to (but not as forceful as) his behaviour at the Extraordinary Parish Council Meeting on 24th September, some six weeks previously. On that occasion his anger appears to have been directed at Nicola Phillips whilst on this occasion it was directed at Sue Carter who had also been present on 24th September. It seems to me that on both occasions the “red mist” referred to by Witness A might have come up and that the “coiled spring” referred to by Ros Casey may have uncoiled.

In commenting on the Report whilst it was in draft form Witness A asserted that there was “plenty of evidence that shows a pattern of how Paul Cullen behaves to certain individuals, he’s extremely unpredictable and this is another occasion where his behaviour is totally unacceptable. He clearly bullied and intimidate Sue Carter”. Sue Carter did not herself make this allegation when commenting on the Report whilst it was in draft form.

In considering whether Cllr Cullen was nasty or menacing towards Mrs Carter it appears to me that there were some indicators of that – he appears to have jabbed or pointed his finger at Mrs Carter and to have shouted at her. She seems to have been close to or even to have burst into tears (which Sue Carter denies) though it is unclear whether that was from shock, distress, anger

or some other emotion or mix of emotions. It is possible that frustration may have played a part in Sue Carter’s reaction. However, this seems to have been a brief episode, Cllr Cullen was not physically close to Mrs Carter and Mrs Carter does appear to have shouted back at him. Whilst Cllr Cullen’s behaviours and actions set out in Section 7 suggest that he can, on occasion behave in an intimidating way, I do not believe that this was one of them.

In light of the above I do not conclude, based on the balance of probabilities and the evidence that I have available to me, that Cllr Cullen behaved in a way that a reasonable person would regard as bullying or intimidatory.

11 RECOMMENDATIONS

On the basis of the conclusions above I make the following recommendations:

- 1. That the breach of the Code of Conduct by Cllr Paul Cullen in regard to his behaviour after the Recreation and Amenities Committee had closed on 4th November be referred to the South Derbyshire District Council Standards Committee for further action.**
- 2. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that councillors should not exhibit behaviour which “brings the Council or the office of Councillor into disrepute”.**
- 3. That Willington Parish Council agrees to a programme of reconciliation and a review of its working arrangements (including its committee structure) to try to restore relations within the Council and, further, that any councillor who is unwilling to take part in a programme of reconciliation should consider their position as a councillor.**
- 4. That, as part of that programme of reconciliation, the Council draws on Cllr Paul Cullen’s undoubted skills in areas such as footpaths and open spaces for the benefit of the village of Willington.**

ANNEX 1 – DOCUMENTS AND SOURCES

In the course of my investigation I reviewed a variety of source materials. These are listed below.

- (1) “Willington Parish Council Code of Conduct” - accessed on the Parish Council website <https://www.willingtonpc.org.uk/>
- (2) South Derbyshire District Council “Complaint Form” and “Procedure for considering a complaint that a member has breached the Code of Conduct” - accessed on the SDDC website <https://www.southderbyshire.gov.uk/>
- (3) Paul Cullen email to Phill Allsopp, 6th June, 4.06pm
- (4) Paul Cullen email to Phill Allsopp, 20th June 12.14pm
- (5) Recreation and Amenities Committee Meeting Agenda 4th November 2019
- (6) Witness C email to self - 4th November 2019 10.10pm
- (7) Paul Cullen email to Melvin Kenyon – 6th May 2020 3.30pm

ANNEX 2 – LIVERPOOL ECHO ARTICLE 3rd JUNE

Annex 2 consists of three pages (numbered 30 - 32) which follow this cover sheet.

REPORT TWO - ANNEX 2

2nd Newspaper report – Liverpool Echo 4th June 2019

Politician who told Everton fan to go back to Liverpool with the 'on the mega bus with all the scum bags and drug dealers' is getting a visit

Derbyshire Cllr John Philips can expect some fresh faces at his next parish council meeting.

-

BY

Liam Thorp

-

16:00, 4 JUN 2019

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UPDATED 16:01, 4 JUN 2019

NEWS

REPORT TWO - ANNEX 2

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Cllr John Philips (pictured on council leaflet) was behind the anti-Liverpool messages

A Derbyshire-based politician who made vile slurs suggesting people from Liverpool are 'scum bags and drug dealers' could be facing a tricky response - Scouse style.

Yesterday, the ECHO reported how Willington Village Parish Councillor John Philips had made the comments in an email to his fellow councillor, Liverpool-born Paul Cullen.

After a tense exchange between the two, Cllr Philips said: "Hi Paul, I've had a call from the Mega Bus, they're happy to take all sorts of scum bags and drug dealers back to Liverpool tomorrow - if you know any please let them know, I'll pay - this is a public service broadcast."

The email caused great offence to lifelong Everton fan Cllr Cullen - as well as his father Joe, who is also on Willington Council and who also saw the email.

Cllr Cullen Jr, 50, has been trying to raise the issue with the local district council and the police - but has been told the slurs used don't constitute a hate crime.

REPORT TWO - ANNEX 2



Cllr Paul Cullen (right) and his dad, Cllr Joe Cullen, were outraged by the comments from a fellow Parish Councillor

But he revealed that Cllr Philips may be forced to explain his comments when a Scouse contingent arrives at the next meeting of Willington Parish Council.

Cllr Cullen, who has many family members still living in his native Liverpool, explained: "A lot of people I have spoken to - including members of my family - are really upset by what he said and that so far nothing has been done about it.

"It looks like there will be some people from Liverpool coming to the next meeting, on June 11, who will want to very clearly ask some questions of Cllr Philips - some of my friends and family definitely want to challenge him."

But he said those in attendance will be well mannered and will behave correctly.

He added: "Cllr Philips clearly already has his own prejudiced ideas about Liverpool so we don't want to feed into that and anyone who comes along will act in an appropriate manner."

Melvin Kenyon and Associates

**South Derbyshire District Council (Willington Parish Council)
Complaint against Willington Parish Councillor, Paul Cullen, arising out
of the meeting of the Parish Council on 12th November 2019**

Report prepared for Ardip Kaur, Monitoring Officer, South Derbyshire District Council – 12 July 2020

Investigation Report – South Derbyshire District Council (Willington Parish Council) Complaint against Councillor Paul Cullen (Subject Member)

1. EXECUTIVE SUMMARY

1.1 BACKGROUND

In late October 2019, Ardip Kaur, Monitoring Officer at South Derbyshire District Council (“SDDC”), appointed Melvin Kenyon to investigate certain complaints about the alleged conduct of Paul Cullen, a Parish Councillor serving as a member of Willington Parish Council (“the Council”).

1.2 FOCUS OF THE INVESTIGATION

There were several complaints requiring investigation and Complainants had, in general, asked for their confidentiality to be preserved (as provided for under the SDDC Complaints Procedure). To reduce the complexity inherent in preserving confidentiality and help improve understanding, the complaints have been separated into coherent, manageable groups for reporting purposes.

Following the meeting of Willington Parish Council which took place at the Old School, the Castleway, Willington at 7pm on Tuesday 12th November 2019, Ardip Kaur received a complaint about the alleged conduct of Cllr Paul Cullen at that meeting. This report (“the Report”) and the related investigation (“the Investigation”) focus solely on that complaint (“the Complaint”).

The text of the Complaint is set out largely, but not entirely, verbatim in an effort to preserve the confidentiality of the Complainant. It was alleged by the Complainant that Cllr Paul Cullen engaged in intimidatory filming of Cllr Claire Carter during the meeting.

1.3 CONCLUSIONS AND RECOMMENDATIONS

Based on the balance of probabilities and the evidence available to me, in respect of Complaint LAC/107 I conclude that Cllr Paul Cullen:

- **Was acting in official capacity when he attended the Parish Council Meeting on 12th November 2019.**
- **Breached the Willington Parish Council Code of Conduct in that he did not treat the Chair, the Clerk, his fellow councillors and members of the public who were there that day with courtesy and respect and thus did not “behave in such a way that a reasonable person would regard as respectful”. In reaching this conclusion I note that the Code makes no reference to “bringing the Council or the office of Councillor into disrepute” even though I do not doubt that Cllr Cullen’s behaviour did exactly that.**
- **Did not breach the Willington Parish Council Code of Conduct in that he did not act towards Cllr Claire Carter “in a way that a reasonable person would regard as bullying or intimidatory”.**

On the basis of the conclusions above I make the following recommendations:

1. **That the breach of the Code of Conduct by Cllr Paul Cullen in regard to his behaviour during the Parish Council; Meeting on 12th November 2019 be referred to the South Derbyshire District Council Standards Committee for further action.**
2. **That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that councillors should not exhibit behaviour which “brings the Council or the office of Councillor into disrepute”.**
3. **That Willington Parish Council agrees to an early programme of reconciliation and a review of its working arrangements (including its committee structure) to try to restore relations within the Council and, further, that any councillor who is unwilling to take part in a programme of reconciliation should consider their position as a councillor. In doing this all councillors should set aside the need to score points and stop raising complaints against one another and wasting time and money. They should instead focus on finding common ground and doing what is best for the village of Willington.**
4. **That Parish Council and Committee Meetings are formally audio and video recorded and that those recordings are made available on a Willington Parish Council YouTube or Facebook channel.**
5. **That, if not already completed, a Willington Parish Council policy or protocol be developed relating to audio and video recording which is legally and procedurally robust and ensures that any such recording is not intimidatory in nature.**

2 OFFICIAL DETAILS OF SUBJECT MEMBER

Cllr Paul Cullen told me that he was initially co-opted onto the Willington Parish Council in December 2014. Following that he was elected twice – in May 2015 he was elected unopposed and in May 2019 he was elected in a ballot.

He told me he had probably served on almost all of the Committees during his time as a councillor in Willington. These included the Neighbourhood Development Planning Group, Recreation and Amenities Committee, Footpaths and Open Spaces Group, Planning Committee, Staffing Committee, and the Car Park Advisory Group. To date he had not served on the Finance Committee nor had he served on the Burial Committee, which was a relatively new Committee.

Cllr Cullen told me that Committee representation was adjourned at the Annual Meeting on 12th May due to there being more nominees than positions available. However, he hoped to serve on the Recreation and Amenities Committee, the Neighbourhood Development Planning Group, and the Finance Committee.

On a personal level, Cllr Cullen told me that he was originally from Liverpool and had lived in Willington for most of his adult life.

3 RELEVANT LEGISLATION AND PROTOCOLS

3.1 LOCALISM ACT 2011

Under section 27(1) of the Localism Act 2011 (“the Act”) a “relevant authority” (which includes a local council) is placed under a statutory duty to “promote and maintain high standards of conduct by members and co-opted members of the authority.

Under section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity” (see 3.3 below).

Under section 28(1) of the Act a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with prescribed principles of standards in public life – the so-called “Nolan principles”.

The intention of the legislation is to ensure that the conduct of public life in local government does not fall below a minimum level which endangers public confidence in democracy.

Under section 28(6) of the Act, principal authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 27(7), arrangements put in place under subsection (6)(b) must include provision for the appointment by the principal authority of at least one “independent person” whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

Section 28(11) of the Act provides that if a member or co-opted member of the authority has failed to comply with its code of conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

3.2 WILLINGTON PARISH COUNCIL’S CODE OF CONDUCT

Under Section 27(2) of the Localism Act, the Council adopted the “WPC Code of Conduct” (“the Code”) which can be found on the Parish Council website. It was adopted by Willington Parish Council on 10th July 2012 (minute 1389 refers). It was described by Paul Cullen when we spoke as a “précis” of the South Derbyshire District Council equivalent (though, in fact, there are some differences).

The Code aims “to promote and maintain high standards of behaviour by its members and coopted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council”.

The Code is based on the seven principles of public life – the Nolan principles – and these are referred to in the “Introduction” to the Code. The Code, in particular, includes the following “member obligations”:

- He/she shall behave in such a way that a reasonable person would regard as respectful.
- He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.

3.3 WHEN DOES THE CODE OF CONDUCT APPLY?

Under section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority *when they are acting in that capacity*”. This section of the Act narrowed the remit of the previous national Code of Conduct with the result that the Council (as with other councils) can only investigate matters where a member was acting as a councillor or as a representative of the Council at the time of the alleged incident.

Conduct that might be regarded as reprehensible and even unlawful is not necessarily covered by the code; a link to that person’s membership of their authority and specifically their role as a councillor is needed.

Some activities clearly have no link with the Council such as a purely domestic matter or something that a member may do while employed in work completely unrelated to the Council. Councillors must actually be engaged on Council business or commenting on Council business or acting as a representative of the Authority to be deemed “within capacity”.

4 CONTEXT

Willington is an attractive village, with just under 3000 residents, located on the River Trent around six miles south west of Derby and five miles north east of Burton upon Trent. Its Parish Council has eleven councillors. One of those, Cllr Andrew MacPherson is also a Conservative District Councillor for the Willington and Findern Ward. The District Council is South Derbyshire District Council, based in Swadlincote and its County Council is Derbyshire County Council.

5 THE COMPLAINTS

5.1 COMPLAINT LAC/107 DATED 18th November 2019

A formal complaint raised on 18th November 2019 was received by Legal and Democratic Services at SDDC on 21st November and assigned reference LAC/107. The Complainant asked that their name be kept confidential because of Cllr Cullen’s alleged intimidatory behaviour. The text of the Complaint, presented largely (but not entirely) verbatim, reads as follows:

“On Tuesday 12th November I attended the monthly parish council meeting. Paul Cullen was sitting next to Claire Carter. Part way through the meeting I noticed that Paul had a recording device next to him. I did not think anything other than this was an a[n] audio recording [of] the meeting. After a few minutes later I noticed that he had moved the camera so that it was pointed directly at Claire. This camera was the width of one body away from Claire and very intimidating. Claire did try and move backwards to use Paul’s body to block her from the camera. She did it a few times and Paul moved himself and the camera to make sure that she could not be out of view. Once she had confidence that he was actually filming as opposed to audio recording she did make a comment at the meeting. I do not believe that a councillor should be expected to take someone filming them without their knowledge. Every time Claire moved Paul moved the camera to face her directly. She found this terribly upsetting, confrontational and intimidating. It is one thing video recording the meeting and having all the committee in shot but one councillor is not acceptable.

“The Chair and Clerk were very supportive at the meeting and requested a pause to the meeting and requested that Paul move the camera further away. Paul refused until we were about to take a vote on this. Eventually it was moved and held by someone in the audience. At this point Claire appeared very emotional, intimidated, and threatened by this aggressive behaviour. She moved her position to be away from Paul physically to create a barrier. This is all recorded on the audio recorder of the Clerk.

“After the meeting Claire let the Chair and Clerk know what had happened during the meeting after the meeting had finished and Paul had left the building. They were unaware of what had happened, it had gone unnoticed that he was actually video recording and moving only to face individuals. Paul then was watching from outside and came back in and was very unhappy. He was shouting at us which Claire felt made her feel more vulnerable. The Chair walked Claire to her car as Paul continued to follow her outside of the meeting and into a neighbouring street. She said she was very frightened to be alone because she felt that he would continue this intimidating behaviour each month as he stated that he would not change his behaviour”.

[The reader may wish to note that during the Investigation I was made aware of two further complaints (LAC/114 & LAC/115) dated 19th and 30th December, which alleged intimidatory filming by Paul and Joe Cullen (and in one of the two instances by Caroline Blanksby) at the 19th December Extraordinary Parish Council Meeting. The Monitoring Officer directed me not to investigate those complaints.]

6 APPROACH

6.1 DOCUMENTS AND OTHER SOURCES

The source materials used during the Investigation are listed at **Annex 1** below. I relied heavily, in particular, on an audio recording of the Parish Council Meeting of 12th November 2019 which was provided by one of the interviewees. A transcript of the audio recording of the part of the meeting during which the alleged incident took place and its aftermath is included at **Annex 2** below.

My colleague, Karen Potts, attended the 14th January 2020 Parish Council meeting unannounced - and “incognito” with her daughter-in-law - at my request (and cost). Her visit added nothing to the evidence base and I mention it solely for the purpose of completeness, openness, and transparency.

6.2 EVIDENCE GATHERING

6.2.1 Interview details

In respect of the investigations into complaints I carried out at the request of the Monitoring Officer I gathered evidence at interview from seventeen people. I spoke formally to all members of Willington Parish Council, with the exception of Cllr Joe Cullen, who declined to be interviewed:

- Cllr P Allsopp (Chairman)
- Cllr M Bartram
- Cllr T Bartram
- Cllr C Blanksby
- Cllr C Carter
- Cllr R Casey

- Cllr P Cullen
- Cllr J Houghton
- Cllr A MacPherson
- Cllr I Walters

I interviewed Mrs D Townsend, the Locum Parish Clerk. I also gathered evidence from six members of the public. Whilst it is my normal practice to list interviewees by name, in this case, because many interviewees asked for confidentiality, I have not done that in respect of members of the public.

I invited Cllr Martyn Ford who, I was told, is often present at Willington Parish Council Meetings (presumably in his capacity as a District Councillor representing Willington and Findern and Derbyshire County Councillor representing Etwall and Repton) to talk to me. I did not receive a reply to my email and did not pursue it further.

With the exception of Cllr Paul Cullen, I carried out my interviews in two groups. The first group of interviews took place between 13th November and 4th December 2019 with a single interview (delayed by the General Election and Christmas) taking place on 10th January 2020. This group of interviewees was made up of the Chairman, two other Parish Councillors, the Locum Parish Clerk and six members of the public.

I began trying to arrange to speak to Paul Cullen on 22nd January 2020. We finally found a mutually acceptable date and time to speak some six and a half weeks later on 8th March 2020, a Sunday. This delay meant that the interviews that were still outstanding were themselves delayed. The second group of interviews took place between 8th April and 20th April 2020 and was made up of six Parish Councillors.

6.2.2 Interview methodology

The first group of interviews was carried out face-to-face with my colleague, Karen Potts, observing and taking notes. Those interviews all took place either in the homes of the interviewees or those of family members or friends. Where interviews are face-to-face it is my normal practice to talk to interviewees in “neutral” surroundings, such as council offices or meeting rooms, but in this case several interviewees told me they preferred not to be interviewed in locations where they felt they might be seen talking to me. Because of the COVID-19 pandemic I carried out the second group of interviews by telephone, and without Karen’s support.

With the exception of Paul Cullen, a note was produced as a summary of each of the interviews and all those interviewed were given the opportunity to comment on the note whilst it was still in draft. Several interviewees made comments and those comments were reflected in the final versions of the notes, which were then formally agreed by interviewees and shared with them. Section 7 of the Report contains details drawn mainly from the interviews.

At time of writing, Cllr Andy MacPherson, who was sent the first version of his summary note on 4th May, had not signed off the second version of the note. I told him by email on 13th May that I would regard his summary as signed off if I had heard nothing by 18th May and, although I spoke to him before that date and prepared a second version to reflect his comments during that conversation, I had no response to the second version and heard nothing more. I did not pursue him further and have used the draft second draft as evidence.

My discussions with the first group of interviewees were recorded. Once summary notes had been signed-off by interviewees those became the formal record of each interview and the audio recordings and any written notes taken at interview were destroyed in accordance with (i) best data protection practice, (ii) what was agreed with the Monitoring Officer before my work began and (iii) what was agreed with interviewees. When I spoke to Cllr Tim Bartram for a second time I recorded that conversation at his suggestion. That audio recording has now also been destroyed.

My discussion with Paul Cullen took place at the Donington Manor Hotel in Castle Donington and I was accompanied by Karen Potts as notetaker and observer. It was recorded, with Cllr Cullen's acquiescence, and I believe that he himself recorded the conversation. A verbatim transcript was then produced and shared with him on 5th April – it ran to more than 60 pages. He was invited to acknowledge receipt and make comments. He acknowledged receipt on 16th April.

On 4th May I asked Cllr Cullen by email if he had any comments on the transcript and said that I would assume he was content with the document but would prefer him to confirm that. I said, "It's a long document, written at least in part for your benefit, and errors of transcription may have crept in because of that. If as I complete my investigation I do find what I consider to be material inaccuracies I will let you know and reissue the document. Should you yourself identify or become aware of any material inaccuracies in the document please let me know as soon as they emerge". On 6th May Cllr Cullen replied to say, "I do believe there are inaccuracies in the transcript, but they are as much about process as they are about content".

At time of writing, Cllr Cullen has not made me aware of any errors and, in general terms, I am proceeding on the basis that the transcript is an accurate record as I said I would. Should any question or difference of opinion arise, the audio record will remain until my investigations are complete as the ultimate record. This was made clear to Cllr Cullen when we spoke. Written notes taken at the interview were destroyed in accordance with best data protection practice once the transcript had been produced.

6.3 THE REPORT

After I had completed the preliminary draft of the Report it was twice peer-reviewed – for quality and to ensure consistency of approach with similar cases across the country. Following those reviews, I shared the draft Report with the Monitoring Officer, who commissioned the Report, so that she could ensure that, on its face, it was indicative of a satisfactory investigation and was of the required standard.

I then shared the draft Report and its preliminary conclusions, in confidence, with the Complainant and the Subject Member. I received a response to the draft Report from the Complainant.

The Subject Member acknowledged receipt of the draft Report but declined to comment on it. He was initially asked to comment on the Final Report within eight working days (by 3rd July) – the SDDC "Procedure for considering a complaint that a member has breached the Code of Conduct" stipulates a minimum of five working days – and insisted on an extension to 31st July. The Monitoring Officer offered a further extension of five working days to 10th July (making 13 working days in total). However, the Subject Member said that he would be providing his observations to the Monitoring Officer by close of play on 31st July but would not be communicating with me any further. He subsequently blocked me from sending him emails.

Accordingly, and having received no comments by 10th July, I now submit my Final Report, containing my final conclusions and recommendations, to the Monitoring Officer.

7 FINDINGS – PARISH COUNCIL MEETING 12th NOVEMBER

7.1 AUDIO RECORDING

An audio recording supplied by one of the interviewees provides by far the best available evidence of what happened at the Meeting of Willington Parish Council on the evening of 12th November 2019. In considering the accounts of witnesses (Section 7.3 - 7.12) I have used them for the most part to establish what appears to have *happened* at the meeting rather than what was *said* since what was said is, for the most part, a matter of fact (inaudible pieces aside). A transcript of the audio is attached for readers' benefit at Annex 2. Individuals with sharper hearing may be able to glean more from the recording than I could. It should be noted that, on occasion, we have not been able to confirm with certainty who was speaking.

7.2 MINUTES OF MEETINGS

7.2.1 Minutes of Parish Council meeting 12th November 2019

The Minutes of the 12th November Parish Council Meeting are available on the Willington Parish Council website. After Minute 512/19 "Bulbs for Station Garden" the minutes read as follows (the strikethrough reflects the minutes as they appear on the website):

~~At 8.22 pm the Meeting was suspended. Cllr C.Carter asked for the meeting to be suspended as she had become aware that Cllr P. Cullen had a video recording device which had been turned round to point directly at her. Cllr Carter asked that it be moved as she found it very intimidating and intrusive. Cllr P. Cullen refused to move or redirect it saying it was his legal right to record a meeting. Cllr P. Cullen was advised that whilst he had a legal right to record a meeting, he had no right to take actions that another person might find intimidating. He was offered the solution of moving the camera to a position that might take in the whole Meeting rather than a single person, which he refused to do. A member of the public finally offered to hold it for him and point it at the meeting. Cllr P. Cullen asked for it to be recorded in the minutes that he 'reluctantly' agreed to do this to allow the meeting to continue. However, he also added that he would continue to do this at every future Meeting, and would position the video camera anywhere he wanted to.~~

At 8.22 pm Cllr C.Carter asked for the meeting to be paused, no proposal was made to suspend the meeting. Cllr Carter raised an issue with the fact that Cllr P Cullen was recording the meeting despite the fact the he was perfectly within his rights to do so as confirmed by the Locum Clerk. Cllr Allsopp asked Cllr P Cullen to move the camera or switch it off, Cllr P Cullen declined the offer saying he was not doing anything he wasn't legally allowed to do. He was offered the solution of moving the camera to a position that might take in the whole meeting but again declined stating that no solution was required where no problem existed and stated he believed he was being bullied.

A member of the public offered to hold it for him and point it at the meeting. Cllr P Cullen asked for it to be recorded in the minutes that he 'reluctantly' agreed to do this to allow the meeting to continue. However, he also added that he would continue to film at every future meeting. Cllr Carter went and sat in the rear corner of the room on her own.

At 7:46 pm Cllr Carter was persistently tapping her pencil on the table everytime Cllr P Cullen tried to speak and was ask [sic] to stop doing so by Cllr Blanksby.

At 8.35 pm, the Meeting was reconvened and the recording continued – the device being held by a member of the public.

7.2.2 Minutes of Extraordinary Parish Council Meeting 19th December 2019

The Minutes of the 19th December Extraordinary Parish Council Meeting are available on the Willington Parish Council website. Minute 541/19 reads as follows:

“541/19 To confirm and agree as a true record the non-confidential Minutes of Willington Parish Council Meeting held on 12th November 2019 RESOLVED to agree and sign the Minutes as a true and accurate record, subject to the paragraph following Minute Number 513/19 being replaced to read;

At 8.22 pm Cllr C. Carter asked for the meeting to be paused, no proposal was made to suspend the meeting. Cllr Carter raised an issue with the fact that Cllr P Cullen was recording the meeting despite the fact the he was perfectly within his rights to do so as confirmed by the Locum Clerk. Cllr Allsopp asked Cllr P Cullen to move the camera or switch it off, Cllr P Cullen declined the offer saying he was not doing anything he wasn't legally allowed to do. He was offered the solution of moving the camera to a position that might take in the whole meeting but again declined stating that no solution was required where no problem existed and stated he believed he was being bullied.

A member of the public offered to hold it for him and point it at the meeting. Cllr P Cullen asked for it to be recorded in the minutes that he 'reluctantly' agreed to do this to allow the meeting to continue. However, he also added that he would continue to film at every future meeting. Cllr Carter went and sat in the rear corner of the room on her own.

At 8.35 pm, the Meeting was reconvened and the recording continued – the device being held by a member of the public.

At 7:46pm Cllr Carter was persistently tapping her pencil on the table every time Cllr P Cullen tried to speak and was ask [sic] to stop doing so by Cllr Blanksby”.

7.2.3 Annex A to Minutes of 19th December 2019

What follows immediately below was attached as an annex to the Minutes of the Willington Parish Council Extraordinary Meeting on 19th December 2019

“Good evening, welcome to tonight’s meeting of Willington Parish Council. Prior to us proceeding with the business of the agenda, I would be grateful if I could have your attention for a few moments whilst I make a brief statement as Chairman of the Council.

This is an extraordinary meeting which has been called due to business not being completed at last week’s meeting. The meeting on Tuesday 10th December was closed due to the inappropriate location of a camera recording the meeting, which led to disruption of the meeting and a subsequent adjournment. Unfortunately, the meeting was not reconvened and we were unable to continue.

This was regrettable and we must ensure such incidents are not repeated. It is important to the business of the Parish Council that tonight's meeting goes ahead without issue and all business on the agenda is transacted in an efficient manner. In order for the Parish Council to function effectively invoices must be approved this evening and items on the agenda that require immediate attention addressed as appropriate. As elected individuals, these are basic requirements vital to the functionality of the Parish Council, that we all have a duty to comply with.

I would advise Councillors, parishioners and the public that the recording of meetings, whether by video or audio, should be to capture how the Parish Council conducts its business and what decisions are made, as well as the reasons for doing so. The purpose of recording should not be to focus on individuals and cause discomfort or appear intimidating. If you are recording the meeting this evening I would remind you we should be mindful of the personal feelings of those being recorded and whilst it is legal to do so, consideration should be given to doing so in an appropriate and respectful manner. Whi[l]st recording I would ask you to ensure all Councillors are in view and that cameras are suitably and appropriately positioned.

Finally, as Chairman, I wish to make clear I will not tolerate any disruption to Council meetings. I wish to remind parishioners and the public they should not interrupt proceedings. If anyone, whether that be a Councillor or member of the public, behaves in a way that prohibits business to be transacted this evening, they will be informed to leave the meeting. I have to further advise, failure to do so, will leave me with no alternative than to call on the Police for assistance. I sincerely hope it will not be necessary for such measures to be taken and that we can continue to do our utmost [sic] for the community that elected us.

Thank you. Cllr Phillip Allsopp (Chairman)"

7.3 WITNESS A

Witness A said in their statement that they, "... recalled the meeting. It had been "quite disturbing". Paul Cullen was sitting next to Claire Carter and Ian Walters was sitting on her other side. Witness A had not initially noticed the camera. Later it became clear that Paul was filming and pointing the camera towards Claire or perhaps more towards Ian whom PC dislikes. Claire understandably did not like it at all though Ian Walters was not at all concerned. Witness A thought that it was "absolutely not the right thing to do". When Claire noticed the camera, she moved back, and Paul moved the camera towards her again, so it was clear that he was not filming Ian.

Claire then moved to "different places and he did seem to kind of follow it". Melvin Kenyon then asked whether "he did seem to" or "he did" follow? Witness A replied that he could "not recall exactly, but it followed her rather than Ian Walters. So, ... they 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".

Witness A recalled that the meeting was then paused whilst Paul was finally persuaded to pass the camera to a member of the public. Witness A remembered that they were 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". Paul was "very agitated, very stressed he has got an aggressive demeanour at the majority of the meetings". At that meeting he had been "confrontational".

Melvin suggested that it was certainly legal to film the proceedings of a Council meeting. Witness A 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 ... Ian Walters, Claire Carter and Phill Allsopp walked out”. On that occasion Witness A recalled that there were three cameras on the desk. On this occasion Paul was sitting opposite Ian and Claire. A camera in front of Paul was directed at them, another camera in front of Caroline Blanksby “was pointed in their 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 left the meeting and Ian and Claire 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”.

Witness A certainly would not have a problem with filming the meeting from a desk at the front but because of stubbornness that was not possible. Witness A 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”.

7.4 COUNCILLOR JOHN HOUGHTON

John Houghton’s statement was as follows. “He recalled the meeting. He said that Claire was sat to his right and Paul was sat to her right. Halfway through the meeting it became clear that Paul was pointing a Go-Pro camera directly at her. Paul refused to move the camera and his actions were “deliberately intimidating”. Whenever Claire moved to avoid the camera Paul moved it further towards her. Melvin Kenyon asked whether he definitely moved the camera in the way John had described, was John certain of this? John confirmed that he was.

““He was two away on my right” with a small camera. Initially “I did not know he was filming until Claire tapped me on the arm and pointed at it”. The filming was then drawn to the Chair’s attention. The Chair asked for the camera to be moved. Claire was clearly intimidated and Paul “moved the camera so that it was definitely on her”. She eventually got up and moved to the opposite side of the room, to the furthest corner so that she wasn’t being filmed directly, otherwise she was going to leave the meeting.

“Melvin asked whether Paul had continued to film when Claire moved to the opposite side of the room. John replied that he thought that, after she moved, the camera took in the overall meeting and was not pointed directly at Claire alone. “It was certainly pointing to her when she was to his left and other councillors were being missed out because it was just pointing at her”.

“The meeting was paused at that point. Eventually the camera was taken by a member of the public, Mrs Budworth, who then filmed the whole meeting. The Council’s simple request was that

the filming should be of the entire meeting, not individuals. Paul's filming had upset Claire and she was intimidated. John said, "When he is filming you do not see the anger on his face because he is behind the camera". He is of an "aggressive and intimidating nature".

"There had been so many disruptions at meetings that they tended to blend. John thought that this was the meeting where there was an altercation after the meeting, and it may have been the meeting where Paul followed John home. This may also have been the meeting where Paul was outside at the window. "We were packing up and then he came back into the meeting and started shouting and screaming. We walked out and then he started talking about complaints that he alleged I had made about him. I have not made any, as I am sure you are probably aware?" He then said, "I know you are lying because I've got a mole at South Derbyshire and I know you've been there". It was true that John had been to meet Ardip Kaur to talk about a complaint that Paul had made about him.

"John said that, late on the evening before he and Melvin spoke, he had sent Melvin an email attaching copies of several other emails. MK located the email and one of the emails that was attached to it. It was timed/dated 22:26 on 12th November and was sent by John to himself. Part of that email appeared to John to be relevant to the filming at the meeting on that evening. The text is set out below [items in brackets are additional commentary provided by John as he reviewed the email with Melvin]:

"This is a record of events that happened after the Parish Council meeting of the 12th November.

The meeting had concluded and therefore does not fall within the remit of WPC [John said that he had not complained about the incident that followed the meeting because he thought that it was outside the scope of the Code of Conduct because it happened after a meeting. In any event he wanted people to work together and not make complaints against one another].

This is a record of events whilst it is fresh in my mind.

After the meeting had been concluded and we were packing chairs and tables away, Claire was discussing how threatened she felt by the camera being pointed at her directly and Pauls unwillingness to film the entire room.

Paul Cullen then re-entered and joined the discussion.

I asked him if he had a reason to point the camera directly at Claire.

He then reached into his bag and pulled out a stack of letters and said, I will tell you why, it is to protect myself from all these complaints.

Later on I said well everyone is getting complaints, I have had 7 made about me in the past few weeks.

I asked Paul how many of the anonymous complaints were from him, and he said 2 of them.

I said well your complaints are not from me.

I have not made any complaint about any councillor or anybody to SDDS, either in name or anonymous.

It was stated by Cllr Joe and Paul Cullen that they didn't believe me.

I told them they could do a FOI request if they wanted proof.

Cllr Ros Casey then said how many have you got other people to make, to which I answered none [She has her husband and other people make complaints about John to SDDC].

I have not to date made nor asked anybody else to make complaints.

A conversation continued with the Clerk and Paul whilst we were trying to lock up.

Later outside, whilst crossing the road, Cllr Paul Cullen said, I know you have made complaints as I have a mole in South Derbyshire who has told me what is going on.

I was shocked by this and asked him to tell me who this mole was as that person was spreading incorrect and slanderous information.

Paul then said he was not going to tell me.

I asked him again and he then stated he had no idea what I was talking about and that he had not said anything.

I asked him to repeat the statement that he had a mole at South Derbyshire.

He denied this.

I asked him “why are you now denying it, are you too scared to tell me?”

He then stated, “you want to be careful, you don’t want to say that to me”.

I took this as a very threatening statement as it was an implied physical threat made by Cllr Paul Cullen.

I believe that Cllr Paul Cullen was still taking an audio recording at this time as he had a Dictaphone in his hand.

I asked Cllr Paul Cullen, “why do I need to be careful, what are you going to [do]”?

He then stated, I don’t know what you are talking about.

I said, you just threatened me to be careful. Why don’t you tell me what you are going to do?

As we were walking along, Cllr Paul Cullen then got out his GoPro and pointed it at me and said, “I have just been threatened by John Houghton and am recording for my protection”.

I asked him to attach the prior audio recording to this video so that people could hear him state that he has a mole in South Derbyshire Council.

I stated that I have not threatened Cllr Paul Cullen but that I would like to know who his mole is who is spreading false information is.

We then separated at the underpass [just off Ivy Close].

As I was walking away, I heard Paul Cullen walk back towards Cllr Tim Bartram and stated “I have just been threatened by Cllr Houghton”.

I therefore walked back over and stated, “that is not the case, I would like to know who your mole is at South Derbyshire council who has been giving you information. I have not threatened you”.

Paul started to walk backwards stating he felt threatened by my presence and that he did not want me to get any closer.

The recording will show that I never got within 20 feet of him, under no circumstances did I threaten him and when he was playing the victim, I walked away."

John also recalled a Council Meeting in December [19th December] at which there had been intimidatory filming. He had ended up chairing the meeting because Phill Allsopp and others had walked out of the meeting.

The Chair had opened the meeting and read out a statement about filming – it was to be allowed but was not to be done in an intimidatory way (see Section 7.2.3). PC had three cameras on that occasion that “were pointing away from himself, Joe Cullen, Caroline Blanksby and the others” and Joe Cullen had an iPad pointed at the Chair. The Chair asked that filming either stopped or that it filmed the entirety of the meeting and not just one side of it. That was refused. There were then votes on whether Paul and Joe Cullen should be removed from the meeting. These were carried. They refused to leave the meeting. There was then a vote to suspend the meeting (which they took part in, which was an oversight) which was rejected by the Council.

The Chair then said that he was not prepared to continue under these circumstances. He left the meeting with Ian Walters and Claire Carter. John, as Vice Chair, agreed to take the chair in the best interests of the Council. At John’s request Paul moved his cameras so that they were filming the entire meeting before the meeting continued. Paul later said that one of the cameras belonged to Caroline Blanksby but that appeared not to be true because Paul collected it at the end of the meeting and put it in his pocket.

MK then asked John to confirm for the record that everything had happened as John had reported it. John confirmed that it had.

7.5 WITNESS B

Witness B’s statement read as follows: “Councillors were sitting in an open horseshoe facing the public in “school chairs”, two to a table. Claire Carter was sitting next to Paul Cullen. The camera was not on the table at the start of the meeting and Paul had not said that he was video recording though Witness B accepted that it was not necessary for him to say that he was filming. Witness B also understood that filming Parish Council proceedings was allowed and that there was a presumption that councillors accepted that the proceedings might be filmed.

“However, Paul had never filmed before, though he had made audio recordings and he had introduced the camera part way through the meeting. Witness B had noticed something “out of the corner of their eye” and assumed he was audio recording. As the meeting progressed Claire realised it was a GoPro camera and that she was being filmed.

“When Claire became aware of the camera it was three feet away from her and pointed directly at her. When she moved to “test him” and to avoid the camera by pushing her chair back to use his body to put her out of shot, Paul moved the camera in order to “capture” her and continue filming her. He did this several times. This was absolutely disruptive to the meeting because it was pointing at her and her alone it was “intimidating”.

“It was at this point that Claire raised it at the meeting. Paul’s reply was to say that “he was entitled to do it and he will do it”. He was not willing to stop filming. Because this was the first time the Chair had experienced this at a meeting he suspended the meeting. They “had a discussion and tried to calm him down” and asked him to position the camera in the audience but “he wouldn’t do it”.

“Claire later said that this made her feel “scared, totally intimidated that someone wants to do that and make you feel on edge, the heart’s racing”. Paul’s refusal to say why he was doing it and pointing it at her alone simply made matters worse. Claire again became distressed and said that his calmness, the premeditation that he had in everything that he said was “chilling”. Claire later said that she “was frightened of him”.

“The Clerk is very experienced, fantastic. The Council could not have functioned without her these past few months. Without her the Parish Council would not exist at present. She said that Paul was being intimidating and that his behaviour was unacceptable. He was “not interested” in that view.

“Everything he did was premeditated so he must have known the effect that his behaviour would have on Claire. “Every time the Chair makes a statement he has an answer. He’s absolutely with it at a scary, scary rate. There’s no thinking. He’s immediately got that answer. He knows what he can get away with and knows what he cannot get away with”.

“Eventually Paul was persuaded to move the camera and someone in the audience held it instead. Claire moved and sat in the opposite corner near the Clerk. The meeting then continued.

“Witness B where this kind of behaviour was going to stop and that was their real concern. On the face of it, putting a camera next to someone was a trivial matter but Claire found it very intimidating.

“What kept going around in Witness B’s head was that, as a professional, they had a duty to act in a certain way regardless of whether they were at work or not. Then, as a Parish Councillor, they had to abide by the Code of Conduct. Witness B also understood that, as a fire officer, Paul had a code of conduct to follow. After a recent Parish Meeting he came back into the hall and started shouting at Claire and the Clerk and putting his face close to Claire. He had said he knew that he could not get away with doing what he was doing at work. His behaviour was “not normal”. Witness B felt that an individual councillor filming individual councillors for his/her own use was very different to filming that was carried out by a council to capture the proceedings of a meeting. You could argue, for example, that there was no reason for anyone else to film if the proceedings were being formally captured on film by the council.

“Paul’s intimidatory behaviour was continuing. At the Parish Council Meeting on 10th December he brought the same camera and directed it at Claire and one or two other councillors in the same shot. He was asked to move the camera to a place where it captured the whole Council rather than positioning it in a way that was intimidatory to a small number of councillors. The Council understood that there was a right to film but not in the way that he was doing it. He refused to move the camera but would not give an explanation as to why. They had asked him for an explanation many times but there had never been an answer. As a result, there was a vote. The meeting was at first suspended and eventually brought to an end. No Council business was completed.

“An Extraordinary Council Meeting was then called for 19th December by the Cullens to address the original agenda items. On this occasion “they turned up with three cameras”. When Witness B arrived, Paul was already seated and had a new camera in front of him. The camera he had used on 12th November was in front of Caroline Blanksby, who was filming Claire Carter, John Houghton, and Ian Walters. Witness B thought that John was unconcerned about being filmed though he was supportive of how Claire felt. Ian did not want to be filmed but was not as strong in his opposition to it as Claire was. He too was supportive of how Claire felt.

“Joe Cullen was filming using an iPad, which was pointing at the Chair. Once again they were asked to move the cameras. They refused and denied that the cameras belonged to Paul, even though the camera in front of Caroline had been used by Paul on 12th November and 10th December and they had seen him put it in front of her. There was another vote to cancel the meeting, there were two abstentions and the vote was lost. The Chair, Claire Carter and Ian Walters left the meeting and the Vice-Chair continued with the meeting.

“Videos tended to appear on YouTube [Melvin Kenyon reviewed the video of the December 10th Meeting which was posted the following day under the aegis of “Umbrella News Now Derby”. Paul was clearly being directed by a member of the public who continued to intervene during the meeting. The most recent comment from “Big Blerk” said “Intimidated by being videoed in a public meetin.... FFS do they ever leave their houses and walk the streets. The UK has the most CCTV in Europe”. There were similar comments in a similar vein].

7.6 WITNESS C

Witness C stated that at the 12th November Parish Council Meeting, “Paul had at some point directed a video camera at Claire Carter and started to film her. It had not been declared at the start of the meeting as it should have been that filming was taking place. When Claire noticed it, she asked that the meeting be stopped because she did not like being videoed (this can be found 1 hr 18 minutes into the recording of the meeting). The Chair then asked Paul if he was using a camera and he said that he was and was quite within his rights to do so. The Chair did not dispute that, it was the fact that it was being pointed at an individual.

“Claire then moved behind Paul and he changed the angle of the camera so that he could continue to film her. Claire was becoming quite upset at this, so the Clerk invited her to sit behind her instead. Paul was then asked to move the camera. He refused. When asked why he was recording he said, “I am doing it for my own safety”. The meeting up to that point had been a good one and even Joe Cullen asked him to move the camera so that the meeting could continue. He refused. A member of the public then offered to take the camera and Paul again refused.

“The Chair then said that if he did not move the camera he would suspend the meeting not because he was filming but because its position was threatening. Eventually he gave in and gave it to the member of the public who had offered to hold it.

“After that meeting Paul, Joe Cullen, Tim Bartarm, Ros Casey and Caroline Blanksby had stood outside whilst they cleared the tables away. Claire was talking to the Clerk about how upset she was with what had happened. Paul then tapped on the window and pointed at everyone. As Mark Bartram was walking out with Ian Walters, Paul stormed back into the room and slammed a pile of complaints onto the table and shouted at Cllr John Houghton that he would not have his

good name sullied. The argument continued in the street where Paul had tried to film John Houghton and make out that he had attacked Paul”.

7.7 WITNESS D

Witness D’s statement described events as follows. “Paul Cullen sat next to Phill Allsopp (he did not normally do that). [There was] a device on a sucker next to Paul’s paperwork. The Chair did not go through the same routine that they had previously where he said that it was courteous to let others know that he was recording, and Paul said that he did not have to – “it would just wind him up”.

The meeting continued and went well. Paul made many notes and contributed little. Part way through the agenda Claire Carter started to look uncomfortable and kept moving her chair backwards and forwards before saying “He’s videoing me”. The device next to Paul was a camera pointed at her, three feet from Claire. She said that he had been moving it and pointing it at different individuals including Phill and Debra Townsend in the course of the meeting.

The Chair called a halt to proceedings. Paul was not asked to stop filming but to move the camera so that Claire did not feel intimidated. Various suggestions were made for location of the camera so that the whole meeting could be filmed. Paul refused. He said, “You can’t make me move it. I’m perfectly within my rights to leave it here and video whoever I want”. Joe Cullen asked him to reposition the camera so that the meeting could continue. Meanwhile Claire had moved and had positioned herself behind the clerk so as not to be filmed. She was unwilling to sit next to Paul.

Phill then formally suspended the meeting for 15 minutes and said that, if Paul did not reposition the camera so that Claire did not find it intimidating, then he would close the meeting. Paul said that he could not do that because it was illegal. Paul “simply didn’t get it”. There was much discussion about it until, with two or three of the 15 minutes left, Paul relented and a friend of Paul’s in the public area took charge of the camera. Paul made a statement that he had relented to keep the meeting going but that, at the next meeting, it would be positioned where it had been and that was that because it was perfectly legal. Witness D’s view was that it could not be legal to focus on a single individual in that way by placing a camera three feet from their face.

At the end of the meeting five councillors left leaving five remaining councillors and Debra to reconfigure the room. Claire was “visibly shaken” by what had happened and wanted to talk about it. Whilst Witness D and Debra were talking to her Paul pressed his face against the window from outside and, a few seconds later, burst into the room and asked what they were talking about. Within moments the other councillors came back into the room – “they must have been concerned about him and what he might do”. Paul again made a statement saying that next month he would film as he had been doing and there was nothing anyone could do about it and the meeting would go ahead. The Chair confirmed that they would be seeking guidance from DALC.

John Houghton, the vice-chair, then asked PC why he was doing what he was doing. Paul took his rucksack off and threw it on the chair saying, “I’ll show you why”. He unzipped the rucksack, took out a yellow folder containing the complaints that had been made against him and started throwing the complaints about. He “sees himself as the victim”. John Houghton (who has many grounds to make complaints) said he had not complained about anybody. Paul replied that that

was not true – he had “a mole in South Derbyshire District Council” who had told him that he had put complaints in against him. This was a clear untruth.

The Chair had told him that complaints had been raised against most councillors, including himself and John Houghton. The Cullens had definitely raised some complaints. Most were “made up”. Witness D thought that Paul was starting to become worried and that his employer might find out. The Chair and Paul were the last to leave. There was discussion between them about whether the whole council should resign (which Paul did not want) and Paul had told the Chair that Sarah Walters [wife of Ian Walters and sister in law of Mark Bartram] was threatening to go to his employer. Witness D did not know whether this was true but felt that he was starting to worry and to lose his cool hence his recent behaviour.

The Chair then shepherded everyone out and locked up. He saw Debra off in her car and he walked Claire Carter to her car whilst John Houghton and Paul continued a “debate” around 20 yards behind them. They passed Claire and Phill at her car and continued walking to an underpass where they had a conversation. John walked back and, as he did so, Paul shouted something to him whereupon he went back. At this point Tim Bartram joined in and Paul started to film him saying “Are you threatening me?”.

7.8 WITNESS E

Witness E referred to “an appalling incident as a result of the use by Paul Cullen of a Go-Pro video camera. Paul 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”.

7.9 COUNCILLOR TIM BARTRAM

Tim Bartram “confirmed that he was at the meeting. Paul had decided to film the meeting because there had been problems with things that people had said and their mannerisms at previous meetings and Paul 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 Paul with Cllr Claire Carter next to him and Cllr Walters next to Claire.

“Every time Paul spoke Claire had tapped her pen. Caroline Blanksby asked that Claire stopped tapping her pen, which she did. Then, every time Paul spoke, Claire shook her head and mimicked him. The camera had been there on the table throughout the meeting pointing at Tims side of the table though he could not recall if Paul 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), Paul 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 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 Tim. That was all Paul did. Paul 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 Tim’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? Tim 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. Tim was reasonably confident that councillors had filmed councillors previously.

““They” had argued in the Parish Council that Paul 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. Melvin Kenyon asked why Tim thought he did not want to do that. Tim 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 Paul would not move the camera and stop filming from where he was sitting. The camera, though, never left the table.

“Melvin Kenyon said that, in his opinion, both Paul’s and Claire’s health were being seriously affected by the situation. Tim had explained how Paul was being affected, but what about Claire? Why might that be? Tim 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”.

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

“Melvin 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? Tim said, yes, at that meeting Paul and Caroline Blanksby had cameras and Joe Cullen was using an iPad to film. Tim did not know why. If it was allowed to film the meeting why would a proposal be passed to ask Paul 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? Tim wanted as many people in the village to come along to Parish Council meetings (unlike the Chair who had said he did not want members of the public at meetings).”

7.10 COUNCILLOR ROS CASEY

Ros Casey’s statement read as follows: “She said that at that meeting, unusually, Paul had been sitting next to Claire Carter - between her and John Houghton, where Andy Macpherson normally sat. His camera had been pointed at Ros Casey and Caroline Blanksby during the meeting. Both

Claire and John Houghton knew how to “press Paul’s buttons” and “it causes problems when Paul bites”, he “gets agitated”. For example, when Paul is speaking, Claire will tap her pen on the table and pull faces mimicking Paul, whilst John will lean back on his chair and make derogatory and dismissive noises.

“On that occasion Claire was tapping her pen and Paul turned the camera to take in both her and Phill Allsopp – it was not on Claire alone. When Claire and John do this sort of thing the Chair and Clerk take no action to stop it even though it is winding Paul up but, if others do the same thing, Phill pulls them up on it.

“Ros recalled that as the meeting progressed, Paul was increasingly agitated because his buttons were knowingly being pressed, but he was not at all threatening. Paul knows his rights and he knows he is allowed to film. When the camera was turned to Claire she put her pen down and sat with her arms folded – “she wasn’t having this”. Claire then moved position and went and sat behind the locum clerk, Deb. Phill then asked Paul to move his camera. Paul can be stubborn. He was finally persuaded by Joe Cullen to hand the camera over to Angela Budworth, a member of the public.

“Melvin Kenyon said that he had spoken to most members of the Council, including Claire, and he did not doubt that she had been affected by Paul’s actions. How might that be explained? Ros replied that going to Parish Council meetings was stressful. She hated going now and was totally disillusioned. It was all about egos and individuals “on both sides” (though definitely not herself, Caroline Blanksby and Tim Bartram) and not about the good of the village. She wanted mediation to sort it all out. There had been a proposal for mediation but, Ros confirmed, Paul and Joe had voted against it.

“Ros could not recall Paul returning to the 12th November meeting but Ros normally gives Caroline Blanksby a lift home so she may have gone by then.

“Melvin then asked about the next meeting when there were apparently several cameras. Did Ros recall that? Why would there be several cameras? Ros replied that Paul had one, Joe had one and either Tim Bartram or Caroline Blanksby had one. She thought that there were (actually) four cameras so that “everyone could get in the full area”. Melvin asked whether the filming continued after Phill and others left the meeting. Ros said that as far as she was aware it did.

“Ros did not believe that the filming had been intimidatory. The cameras were used because the minutes were not a true and accurate account of the meetings. The locum clerk made many mistakes and Paul was very keen to get them right. The intention was to film everyone at the meeting, including them, not just the other side. Melvin asked why a single camera, perhaps behind the public, did not suffice to capture the whole thing? He was aware that some councils did that. Ros replied that John Houghton moved his chair and balanced it on the back legs. As a result, he was not in view. He had done that at this particular meeting and pulled faces that mimicked Paul (he did that at every meeting). Mimicry could not be seen unless there was closeup filming”.

7.11 COUNCILLOR CAROLINE BLANKSBY

Caroline Blanksby said in her statement that “she recalled the meeting “very well”. Paul had been videoing the meeting from the very beginning. Around halfway through the meeting Claire Carter

suddenly realised that the meeting was being videoed. The camera was “pointing to a selection of people, definitely not just Claire”. Caroline recalled Paul turning the camera as different people spoke.

“Caroline recalled Claire getting up and “she went and sat in the corner like a spoilt child”. “There was no way the camera was just on her”. Claire and John Houghton tend to sit either side of Paul. John swings back on the back two chair legs and he and Claire pull faces, talk about Paul, make silly remarks behind his back, “it’s embarrassing actually”. This meeting stood out because Claire was continuously tapping her pen when Paul was talking to the point where Caroline had asked Claire, possibly through the Chair, to stop tapping her pen. The tapping had been getting louder and louder and louder. She was almost being aggressive towards him.

“Melvin suggested that it had been alleged by several witnesses that Paul kept moving the camera so that Claire was in shot. Caroline did “not recall that at all, that was not right, he was moving it as different people were speaking”. Melvin said, playing devil’s advocate, that words like, “upsetting, confrontational, intimidating, threatening, aggressive” had been used by witnesses. Caroline replied, “She never said that at any of the meeting as far as I am aware, I am pretty sure she didn’t”. Caroline did not believe that Claire was being intimidated at any point in that meeting. If Claire was in shot, she was not alone.

“Melvin said that he had listened to an audio recording of the meeting. It was clear that PC was filming and that he had been asked to switch the camera off. The meeting had been suspended. Caroline said that that was the point at which Claire had moved her chair into the corner of the room.

“Melvin then asked whether Caroline believed that the filming was intimidating or could have been interpreted as intimidating? Caroline said, “No. I don’t. I am a Parish Councillor. I shouldn’t be worried about anybody filming me or anything I say at a meeting. Definitely not”.

“Melvin said that it was further alleged that, after the meeting and having left the building, Paul returned to the building and started to shout at some of those who were still there. Caroline did not recall this.

“Melvin then said that he understood that at the subsequent meeting in December there were three video recording devices or cameras. One was in front of Caroline and there were two others. Caroline recalled that. She said that meetings have always been audio recorded but it was obviously not possible to see facial expressions on audio – the sneering and staring that goes on at meetings, which was ridiculous. This was why video recording was necessary. It was necessary too because the minutes are sometimes not accurate at all.

“When asked why Claire and other witnesses might suggest that she had been intimidated Caroline replied there was “a clique and you are either one side or the other”. There was a “cosy club” and Caroline, Tim Bartram and Ros Casey “upset the apple cart when [they] were elected. They didn’t want any fresh blood on the Council. They wanted things to go on as they had done for years”.

“This was the motivation for all the complaints that had been made against herself, Ros and Tim. It was “horrible. I didn’t join Willington Parish Council at all for this”. They couldn’t get anything done because of the cosy club, “every time we try to get anything done for the good of the village

they go against us". Caroline said that there was a "campaign of hate" against Paul. Whatever he said it would never be right. There were complaints after every meeting he went to. There had been several complaints against Caroline as well.

"Melvin said that, in his opinion, both Claire and Paul were suffering because of this. If it were all one-sided why might that be? Caroline replied that she thought there was a campaign to get Paul off the Council. John Phillips and Ian Walters had only joined the Council to get Paul off it. Caroline did not know why they wanted to do that.

"Caroline then raised the proposed Axis 50 development as a case in point. She, Ros, Tim, Joe and Paul were the only people who wanted to do anything about it and oppose it because that was what the vast majority of the villagers wanted (though a few residents certainly did want it to go ahead)."

7.12 COUNCILLOR PAUL CULLEN

That part of the conversation that I had with Paul Cullen when I spoke to him about his alleged behaviour on the evening of 12th November is transcribed below. Please note that this differs in some small details from the transcript already shared with Paul (which he had not signed off at time of writing) because I felt that absolute accuracy was important here:

"[Begins 1:20:45] MK - Shall we talk first of all about LAC/107 which is filming at the Parish Council Meeting. Are you aware of Do you recall the incident?

[Paul looks through his papers]

PC – I am aware of the incident, yes. I'm just trying to find the complaint.

[Paul looks through his papers]

MK – 107 this is. Has Ardip written to you about 107?

PC – Yes, I received this on the 26th November. It doesn't mention filming in the original complaint and this is generically an issue that I have because clearly the complainants have requested anonymity but also the content of the allegation has been very limited in pretty much all of the allegations, so this one specifically says that the complainant alleges that "You behaved in an intimidatory and aggressive manner during and after the meeting of Willington Parish Council".

MK – Yes, this was about filming at the meeting. I've listened to the audio, or the relevant parts of the an audio of that meeting and there's quite a long discussion goes on about filming. The allegation is that it was intimidatory in that it was directed at a single individual. There are other complaints about filming, and I know filming has been Err what's the right phrase? a bone of contention for some time at Willington, but, at this stage, I've not been asked to investigate those. I don't know their status, but I've not been asked to investigate them. Rather than asked not to, I've not been asked to investigate them.

PC – OK, do you just want me to talk Oh sorry?

[1:23:25]

MK – Yes. It seems to me, listening to the audio, that such filming took place and that

[PC produces a Go-Pro filming device]

PC – This isn't turned on by the way.

MK – and that I was told by We were told by witnesses that

PC - ... just so you'reit can't film now anyway but

MK – We were told by witnesses If you tell me that's the camera Paul, then I accept that. I didn't know what one of these things was until Karen told me That you kept moving it to get an individual in shot. So, over to you.

[1:24:13]

PC – Ok. So, you're quite right, that there have been subsequent complaints made about filming so which have been dismissed by Ardip Kaur. A complaint was dismissed on 31st January, so complaints around filming has been dismissed.

MK – On what grounds?

PC – Dismissed as it was not in the public interest.

MK – I guess, I guess that what is being said there is that there is a complaint, we investigate that complaint.

PC – On this particular one? I understand that.

MK – Yes, so there's no point investigating 27 other complaints or whatever it is ...

PC – I guess that specifically this one is because the suggestion is that I've deliberately tried to intimidate somebody. As opposed to just generally filming.

MK – Yes, correct.

PC – Which is complete nonsense. The purpose of me starting to film was absolutely for my own protection to protect me against..... these are all complaints, so you've only get I think you got eight, nine, ten, I don't know? But there are a lot more. So, the purpose of me filming was to protect myself, but so I've got a video, documentary of actually what happened so that in the event that a complaint came in then I am able to say, well actually, this is what happened. In this particular instance, I've made some notes here and I don't want to read verbatim but at the meeting, the meeting had started and I'd been filming for approximately one hour and twenty three minutes, so after one hour and twenty three minutes, Claire Carter then decided that...and Claire Carter, for whatever reason known only to her, has a dislike for me.

OK? So I've been filming for one hour and twenty-three minutes and I think it's important that I'm able to show you how that happened. [Paul explained where everyone was sitting] I'd been filming for one hour and twenty three minutes and during that time nobody in the room said anything and I didn't tell people I was filming and that's not because I wanted to hide anything from people, it's just because you don't have to. The legislation says that I don't have to. Other people had been filming, other people had been audio recording, I don't think anybody had been videoing at that point. But for one hour and twenty three minutes I'd been videoing and throughout that time I'd altered the camera on several occasions and then ultimately, so, actually, pretty much this side of

the room was the six councillors who appear to have an issue with me. So clearly, if I wanted to intimidate them, I would have sat at the other side of the room and pointed the camera at them.

So, it was never my intention to intimidate anybody, it was merely my intention to capture the meeting, the discussion, the decisions that were made so that I've got it documented and what happened. So, what Claire Carter was doing, she sat here [Paul motioned to a space next to him] and when I speak she pulls faces, if I make a comment on something, it will be [Paul rolled his eyes] this kind of gesture and specifically at this meeting, every time I spoke [Paul tapped his pen loudly on the table] she did that. She was tapping her pen on the table. This is actually captured in the minutes of the meeting. So that was it, she said to the Chair – you know all this anyway – she said to the Chair that she'd like the meeting paused. He asked me to stop initially, he says "I want you to stop", I declined to stop. In the end he said he wanted me to move it and I was very clear and I have been to all of the councillors including Claire Carter because actually after that meeting there was a few of them who decided they didn't want me to film at meetings, that if I was doing anything that I wasn't legally allowed to do then I would stop. I was very clear about that.

Then because they realised – and this is subjective, my view, - they realised then that actually filming was something that was a perfectly legitimate activity to carry out, they then decided to embark and I'm talking beyond the complaint to you now. Am I OK to do that? Because the complaint is only specifically about that meeting on that day but after that meeting on that day, Claire Carter chose not – and I'm guessing she just sent her apologies - but she certainly wasn't at the next meeting. They then decided that, yes they were content for me to film because I was legally allowed to do so and if you listen to the audio of the meeting, you will hear Deb Townsend saying "he's absolutely allowed to do so". They then decided that they would only allow me to do it if it was in a position where it took on the whole of the Council and I challenged that and asked "Where does it say that?" In fact, I told them about openness and transparency of Local Government, It's not called that is it? It's called something else ... I've got it written down

MK – The Openness of Local Government Regulations 2014 and then there's a piece of There is that [shows Paul the Act] legislation that predates it which is the Public Bodies Admission to Meetings Act 1960 and then there is this piece of legislation which is the Openness of Local Government Bodies Regulations 2014.

[1:31:14]

PC – So, I've got all of them. I've got the Local Government The actual document that I referred them to was the Plain English document which comes directly from that. It's the Openness and Accountability of Local Government which comes from the 2014 Act. This is the document I referred them to and it supports me filming. It talks about councillors actually being allowed to, be able to.... Sorry So this document supports I suppose a lot of what I would say is down to, I don't believe there is anywhere where it says that I can't film. And the other thing that I was trying to point out to them was that this [Paul points to his Go-Pro] has got a fisheye and I actually said at one meeting as miraculously a police officer arrived at one meeting, you've probably seen that one on YouTube. And I was trying to explain to them that it's got a fisheye lens on it so probably, at this angle now, Karen is probably in shot and I tried to explain that to them and they say "no we want it down there" [Paul pointed to the end of the table] and I said "you're probably all in shot where you are now anyway", in fact I looked at it and said "you are in shot now". But it wasn't about the camera now; it was about trying to get It was about me.

[1:32:48]

MK – What’s been said to us First if all, there is a presumption under that Act that you are allowed to film the proceedings of the meeting. End of. There is a presumption that councillors agree to be filmed. But what we’re being told - and what we’ve been told by several witnesses - is that that camera was pointed specifically at that individual and that you moved it several times. She moved and you moved it.

PC – No.

MK – That’s what we’ve been told

Pc - It’s very unfortunate that the very purpose of me taking the camera to that meeting was to prevent this allegation but the unfortunate thing is I that I borrowed this camera and whilst playing about with it - and you can look at the memory on it now - I’ve deleted everything.

MK – So haven’t got a copy of that film?

PC – I haven’t got a copy of it.

MK – Well I was going to ask you if you would share it.

PC – And I would gladly have given it to you. What I can say is that - and I did point this out at that meeting and several other meetings - is that I didn’t, categorically. There is one - I’m kind of guessing that the best witnesses I could offer you would be independent - so my fellow councillors who offer me support through all of this are probably not the best ones in terms of being independent because I’ve spoken about the Six/Five divide but there is a member of the public who was at that meeting and you actually hear her, if you’ve listened to the audio, speak out and in fact, I actually give the camera to her.

MK – Who’s that?

PC – Her name is, Angela Budworth. I haven’t asked her if she would, I haven’t but I will ask her if she would be interviewed as part of this process. What I would say is that the presumption about being filmed, not being filmed, being in a public meeting, nobody has the right I can’t contr.... for Claire Carter to say that she was intimidated it’s a very easy.... and I know it was Claire Carter it was clearly Claire Carter as she was the one sat next to me, she was the

MK – It doesn’t mean that Claire made the complaint. That’s all I’m saying

PC – yeah, yeah, ok. So Claire Carter was the person sat next to me and at that meeting and the following meeting – ‘cos this went on for several meetings - at that meeting and subsequent meetings, I tried to explain that I’m not doing anything that the law doesn’t allow me to do but I can’t control whether you feel intimidated by what I’m trying to do

MK – But the allegation is that the camera was pointed at Claire, Claire moves over there it’s pointed at Claire, Claire moves behind somebody else, it’s moved to be pointed at Claire. That’s the allegation. What’s your response to that?

[1:36:26]

PC – Absolutely not. I absolutely recall moving the camera twice throughout the whole episode. I had it diagonally across the room to start with, the topic of conversation appeared to be mainly from down this side, so I moved it to there ...and it was literally that far away It's more on me. John Houghton, Ian Walters and Mark Bartram are down this side. Claire made an issue surrou about being filmed. Never once did Claire mention the word "intimidated". Not once if you've listened to the The only person who mentions feeling intimidated is Deb Townsend. Claire Carter never mentioned it.

MK – So, what also puzzled me Paul because as I said, I listened to the audio of it, is why, given that going back to what you said at the beginning that you wanted to film the, my word, "proceedings" of the meeting, why you didn't very quickly give it to a member of the public who could get the full span of the meeting because it took quite some time to get that

PC – Yes, and at subsequent meetings I've refused to do that.

MK – Why?

PC – Because the issue isn't we need to look at the, we need to look at the bigger picture rather than just the filming. The issue isn't surrounding Paul Cullen filming a meeting. The issue is surrounding, let's if it was the camera this week, it would be something else next week. It wasn't about the camera; it wasn't about me giving the camera to the lady in the audience. It was about getting me, Paul Cullen, to stop doing something and then they would have perceived that as "tick". So, at subsequent meetings, I chose not to that offer was extended to me again to put it at the end of the table, give it to somebody in the audience and I actually flatly refused and Phill Allsopp closed the meeting down. He says, "Well if that's the case then I'm stopping". This was actually at the meeting that the police officer was at and the police officer, the Clerk, everyone in the room is saying we know you're allowed to do it. Now, I haven't done this deliberately but if I chose to put it on Claire Carter, (it's not filming, I'll put it that way), if I chose to put it on Claire Carter and follow her around, yes, that would probably constitute me trying to intimidate her but it still doesn't prevent me from actually doing that.

MK – Well, couple of points, whilst they are not I'm not investigating a particular complaint where there were three cameras on - I don't know what your table looks like but I know that there was one meeting where there were three cameras.

PC – Yeah.

MK - In that particular instance that would imply not that we are dealing with a desire to film the proceedings but we're actually doing something rather more than that. And I say "we" in the broadest sense. Whilst I'm not investigating that complaint, I can certainly take that evidence into account because, that I do not understand. #

PC – Well....

MK - If it is not designed or intended to alarm people - it is alleged a camera here, a camera here, a camera there, wherever they were - I can't understand why that would be done and I can't understand why when the some of the individuals concerned left the meeting and the

chairmanship, the chairing of the meeting passed to another individual why the filming stopped at that point.

PC – No, the filming didn't stop, the filming didn't stop at all, the filming carried on.

[1:40:50]

MK – But there were three cameras, now why if you're filming proceedings would you need three cameras?

PC – I take one camera; I take one camera and my 'phone. Sometimes a Dictaphone but generally if my memory is full, so that's what I take to the meeting. If you want to know why other people have taken cameras I can give you my best guess, but it would probably better for you to ask them that question. But what I can tell you is for sure, no I can't tell you for sure, is that filming at Parish Council meetings from my perspective will be, we spoke about it a number of years ago, about actually the Parish Council filming their own meetings and then putting them on social media so that people who can't attend meetings have a good idea. That's not what I do it for, I do it for my protection and I suspect that if other councillors are taking cameras, that they are taking it for the same. I suspect.

MK – So, hypothetically if at the beginning at every meeting a camera were put there (pointing) to capture the proceedings of the meeting, would you still film?

PC – I suspect I probably would. And I can give you a couple of reasons why. Just go back to the Claire Carter incident. I absolutely, unequivocally deny. First of all, I'm allowed to film, that was the issue.

MK – You're allowed to film the proceedings, yes.

PC – They were very clear that they wanted me to stop. He was very clear. Phill Allsopp at the Extraordinary Meeting thereafter warned me, and that was his words, not mine, "If you point the camera at me, I will stop the meeting". So which I didn't, which I didn't

MK – I'm guessing he would have felt intimidated by that? But it's a guess.

PC – Well he never told me he never told me that. He just said, "I warn you, if you point the camera at me, I will stop". I didn't. I had no intention of pointing the camera at anybody. But I can, if I chose to, I didn't, but if I chose to, you know you would some people may say I that I am doing it deliberately to try and intimidate them.

MK - That's what they are saying.

PC – Well I can tell you now that Phill Allsopp sat at the Extraordinary Meeting last Tuesday after having the police knock on my door a few days before because of an allegation he's made against me, sat at the Parish Council sat at the head of the table winking at me, so if that camera, up there captures Phill Allsopp then yeah, I don't think I will have any need for that. I would like to know who's in control of the footage thereafter. This camera, if I put it there, I know that when he starts, and he's doing it deliberately because he wanted me to react. So, he's winking at me like this [Paul demonstrates] and I actually said, "What are you winking at me for?" It's ridiculous. But funnily enough the item that we were discussing - it was a single agenda item it was an Extraordinary Meeting for a single agenda item which was to discuss appointing a new Clerk which

was an exempt item. So clearly, anything that's exempt, you can't audio or video record, so I didn't have my camera, and he seized the opportunity because I didn't have a camera, I suspect, to try and intimidate me. So, now what am I to do? Am I to suddenly to ...? Because if Ardip Kaur ... and I could quite easily submit a complaint about that, I suspect it would probably not be investigated it would be a waste of her time, it would be a waste of my time and probably be a waste of his time. In answer to your question, providing that that single camera up there was pointing at everybody and we all had access to the footage thereafter, then I would have no need to take that [camera].

MK – OK, so, just for clarity then, are you saying that you did not move that camera, as it were, to follow Claire's movements around the room?

[1:45:12]

PC – Absolutely, unequivocally. I absolutely did not. For one hour and twenty-three minutes, that camera was there, like that. I've actually got the entire audio recording of the meeting there. And after one hour twenty-three minutes Claire Carter said to Phillip Allsopp, "Excuse me, can we pause please? Is that filming?" When it films there's a red-light flashes on it. And after one hour twentythree minutes she and actually, when I looked at the footage, she's looked at the camera, every councillor in the room knew that that was filming, the audience knew it was filming and I could tell you why, I believe, because when I was speaking - and again I've got it on the audio recording and it's in the minutes of the meeting is that err.... The other thing that they do, is the minutes are not a true reflection. The minutes are pretty much what six councillors want in there because when you have eleven Councillors, a six is always going to have a majority vote and even if it's a five, the Chair gets the casting vote. So, prior to Claire Carter saying to Phillip Allsopp that she believed ... and she never once said that she felt intimidated. [Paul tapped his pen on the table] Every time I spoke, she was tapping the table like this [Paul tapped his pen loudly on the table] and I stopped, and I looked at her and she stopped. And then when I started to speak, she started tapping the table again and Caroline Blanksby said so I stopped talking again And Caroline Blanksby said, "Claire, can you stop tapping the table please?" A few minutes after that, Claire Carter then decides she has a massive issue with the camera that's been there for one hour and twenty-three minutes. In answer to your question, if I wanted to, if I wanted to I could have, I mean I could put the camera....I suppose really if I want to protect myself and my conduct then really I should have the camera pointing at me because then that would be ... you know....

MK – How are you protecting yourself Paul?

PC – Against the vexatious allegations. You can read the minutes of.... We can go through a few of them, I don't suppose we'll have time but you can go through a few of them.... the minutes of the 19th December are quite interesting because that's the meeting where, the minutes of the 19th December are the minutes of where three, two other Councillors took video recording devices in and the minutes of that meeting

MK – I think there was a complaint about that as well I'm not sure but I think there was

PC – Yes, I think there was.

MK – But it's not one we've been asked to investigate..

PC – and it wasn't upheld....

[1:48:13]

PC – My point is, to answer your question how is it protecting me, it's because if you read the minutes of that meeting, of the 19th December, Phillip Allsopp reads a Chairman's Announcement which isn't on the agenda. And I, there's no Chairman's Announcement on the agenda He said, his exact words were "Right, let's kick off then I want to start by reading this Announcement", so I pointed out to him, as a point of order, that there is no Chairman's Announcement on the agenda. We can only discuss items that are on the agenda. Even public participation may only make observations about items that are on the agenda. And I pointed that out to him, and he said, "I'm going to read it out anyway". He then went on to read his Chairman's Announcement. I've got a copy of it of which he said it was all about filming. And then he finished his announcement and he said "Right, are you filming?" to me. I said "Yes" he said, "Can you move your camera to the far end of the room?" I said, "For what purpose?" He said, "So it captures the whole of the meeting." I said "I get that but why? The Accountability, the Accountability Legislation allows me to Tweet and Vlog or Blog, I don't do it, but the Legislation allows me to do it should I choose to do so by putting all my video recording devices at the end of the table doesn't allow me to do it." So, he's trying to impinge on my, what I'm lawfully and legally allowed to do. Not because he doesn't want the meeting filmed but he wants to score a point against me, that's all it is. So, the point I'm making is, if you read those minutes of that meeting on the 19th December, they are not a true reflection of what happened. And I know they are not a true reflection of what happened because when I call a Point of Order, Deb Townsend says, "The meeting hasn't started yet." And Phillip Allsopp also says, "The meeting hasn't started yet." I said, "That's strange, you've just read a Chairman's Announcement out, so if the meeting hasn't started yet....." And then, he then puts forward a vote to have me ejected, "ejected" that was his words. "I propose a motion to have Paul Cullen ejected from the meeting" which six Councillors voted in favour of and five voted against. I'm getting into the realms of another complaint here aren't I? Yeah, so, my point is, your question was "why do I need it for protection?" It's exactly that. Because I can't control what goes into the minutes of a meeting. I can offer a different option, which I did for that particular meeting, and it was voted against.

MK – But you don't need a camera for that, do you? You just need audio for that.

PC – I need a camera for Phillip Allsopp winking at me and gesturing that I'm a wanker. I need a camera for that.

MK – So you're saying Phillip Allsopp gestures that you're a wanker at the meeting.

PC - He's never done that at a meeting, he's done that outside of the meeting. Lots of the complaints come outside of the meeting. I've had several complaints made about me, about my conduct while I'm not in capacity in my view.

MK – Right.

PC – Sorry Melvin, I just want I just want to try and understand If Willington Parish Council wasn't broken (my words). I wouldn't need a camera. I probably wouldn't need an audio recording; it would be sufficient for the Clerk to have both or the Clerk to have a Dictaphone so she could type the minutes up and a camera that was catching everything. That would be a point that I would like to see whether I'm on the Parish Council or not, a point that they aim for in the future.

MK – What? Recording?

PC – Well actually recording so that it goes out on... So it's a Willington Parish Council video that goes on the Willington Parish Council YouTube or Facebook channel so the whole of the Parish can see it.

MK – Some Parish Councils do that.

[1:52:51]

PC – That would be utopia. I don't think we are going to get there with the current eleven members. So that would be my vision for the future. I believe I believe that currently, in the position that Willington Parish Council is, that I need both an audio and video diary of events of the meeting in order for me to first of all protect myself from allegations that are made against me and secondly to support allegations that I may make about others.

MK – OK, I get that. So, going back to the specific of that meeting and that complaint, you are saying that you did not move the camera, my words, to follow Claire around the room.

[1:53:42]

PC - I can't find the words. There's no words that seem appropriate enough to just say no, I didn't do it, just seems.... No, I didn't do it. I absolutely, one hundred percent did not move a camera that had been filming for one hour and twenty-three minutes to point at Claire Carter. At the meeting, the Extraordinary Meeting last week was specifically for the Clerk, before you get to any exempt item, you have to go through the formalities of Public Speaking and all the bits that appear at the top of the agenda. At that meeting, before we got to the exempt item, I had my camera in front of me and Claire Carter was sat there. At no point did Claire Carter utter a word. This was the first meeting that she's been to, the second meeting she's been to, I think. The camera was out, it was in Public Session, she never once said that she felt intimidated, harassed or that I was acting in the meeting just carried on, as meetings should carry on. As soon as we got to exempt item I turned the camera off and put it in my bag, so, I fail to see why at one meeting Claire can say that she feels intimidated, I don't fail to see, I understand why she's done it. This particular meeting, she's intimidated. On Tuesday night I'll be filming. They have a meeting on Tuesday night, I'll be filming, I'll be interested to see if Claire feels Have you actually been to a Willington Parish Council Meeting?

MK – I haven't I haven't, Karen has.

PC – I actually encourage I actually encouraged the guy at South Derbyshire District Council, his name is Kevin Longstaff? I can't remember. He's the person that phoned me up. I actually encouraged him to come down to see what's happening.

MK – Right, I've got a couple more questions about this and then we will have to move on because I don't think we'll get any further. First one is, you've spoken about your wife and I think she broke her collar bone or something.

PC – Well she broke her collar bone, and her cheek bone She's still not in a good way now.

MK – If she had been Claire Carter and for the sake of argument and I had been you and I had filmed in the way that Claire alleges how would you have felt about it?

PC – So, the roles are that.....

MK – Yes, I'm saying that if it was your wife rather than Claire and somebody else - not you - had been filming in the way that you were filming, would you have had any concerns about it?

[1:56:48]

PC – So, I think the only way I could answer that is by saying yes or no. I don't think there is an easy way to answer it though because, Jackie, my wife is fully aware of the issues.

MK – I'm talking about really what I'm talking about is, only you know what was in your mind when you were filming. If it had been your wife rather than Claire, forgetting that it's you, because your wife wouldn't bother about you filming her. I'm just trying to say if it was your wife and Claire Carter's husband, how would you have felt.. ?

PC – I understand. If my wife was being filmed as a Parish Councillor

MK – In that way, in the way that you filmed

PC – But I wasn't doing it in any way.

MK – No, no. Well in the way that you filmed on that day. What's in your mind?

PC – Is the implication that I was doing something wrong?

MK – No, the implication is that you were filming, you know how you were filming, how would you have felt if it had been Claire Carter's husband and your wife and the roles were reversed?

PC – So, I would have had absolutely no issue. The reason I wouldn't have had any issue is because had I been sat in the audience and watching what was happening I know that me person wasn't doing anything wrong.

MK – OK. That's fine. My other question is, we've talked about witnesses before now. Do you believe that we should be talking to I think you've mentioned Caroline Blanksby, I know there are other names, do you believe that we should be talking to them in respect of this allegation? And, if not

PC – In respect of this allegation, I would hope that Angela Budworth, who is a parishioner, I can contact her to see if she is happy to do that. I don't have contact details for her, she is just somebody who more often than not, comes to Parish Council Meetings. There aren't that many people. Caroline Blanksby would certainly be one.

MK – We've heard Ros Casey mentioned.

PC – Melvin, you clearly know.....

MK – I know who the people on the Council are

PC – And you know the six people who I'm not going to ask to be witnesses and you know the five or four that I am.

MK – I know but I want you to have the opportunity to make your case. As I said at the beginning, I'm not in the least bit interested who's right and who's wrong in this. I want you to be able to make your case properly.

[1:59:32]

PC – *It just seems to me so frustrating that at one day, a snapshot in time, one day at one meeting there's a massive issue that I'm filming and subsequent meetings, I think now they understand that actually we'd better just leave him alone because he can do what he's legally allowed to do. So, at this meeting it's a massive issue, I can tell you now on Tuesday night, no one will utter a word of it. I did not and unequivocally would not. I've spent thirty I only joined Willington Parish Council to make Willington a better place. Now if Claire Carter wants to be a part of that, I don't have to like her. I suspect that I'll never like her; you know, we won't be going out for drinks. But I wouldn't do that to somebody, I absolutely, unequivocally would not deliberately..... and do you know why I wouldn't do that? Because I know what it feels like to be harassed and intimidated and nobody nobody should be made to feel that way. So, I would not do it. Can we take a minute?*

[2:00:35]

MK – *Yes, sure. Would you like a drink or something?*

PC – *Yes, I could get a tea or something?*

[MK leaves the room for a comfort break and to get refreshments and PC leaves the room also. PC returns two minutes later. MK returns one minute after].

[2:06:12]

PC – *If Claire felt the way that she did, then I have my own views about whether she genuinely did after such a long time and knowing.... but if she genuinely did then, you know, it was never my intention. The point I was going to try for twenty seven years, in the industry that I'm in, of course there are always issues in any industry, whether you work in Tesco distribution or wherever ... the Fire Service but that's my world that's what I've been doing for twenty seven years and Claire and I will never see eye to eye we will never and I think healthy debate is healthy at Parish Council meetings, but we will never It's embarrassing in some of the things that have happened but the suggestion that I did what I did deliberately to try and make her feel intimidated or harassed is absolutely never my intention.*

What I would suggest is that the issue that she made thereafter was to try to put the spotlight on me for her own gain. And when I say her own gain, I'm talking very generic there for the gain of the Parish Councillors that dislike me being there. I know from the very get go that their goal is to get me off the Parish Council. In fact, it wasn't, shall I tell you what the game was? It came from a councillor, this all came from a councillor who at the time, his name is Bill Harding, who was involved in a land swap between the Parish Council and a Parishioner. The Parish Council owned one piece of land which is adjacent to this guy's garden and he owned a piece of land across the way and the previous administration of the Council agreed that [interrupted by cups arriving and tea and coffee being served and some chatter] The councillors at that time which was, in fact they weren't councillors, there was Ian Walters and John Phillips told my friend that they were coming on the Parish Council, they were going to stand at the election of the forthcoming Parish Council "to get rid of Joe Cullen. Paul's alright, he's not too bad, but if they come as a package deal then he has to go as well".

MK – *Ok. Alright. I was talking about witnesses.*

PC – Ros Casey, Caroline Blanksby, Tim Bartram.

MK – Should we talk to them? It's my feeling we should talk to them but

PC – They were all sat, they were all at that meeting.

MK – We will make efforts to talk to them. Shall we move onto the next complaint?

[2:10:15]

7.13 PAUL CULLEN EMAIL TO MELVIN KENYON

As the Investigation proceeded I received several emails from Paul Cullen. Part of one of those, received on 6th May 2020, referred to the Complaint covered by this Investigation and said the following:

"Reference complaint LAC/107 - As I stated at our meeting on the 8th March, I was not pointing my camera at Claire Carter. Claire Carter is a fully paid up member of the Paul Cullen hate society and will stop at nothing in her attempt to get me to resign. In her quest to achieve this she deliberately and intentionally goes out of her way to intimidate me by tapping her pen on the table whenever I speak, she stops tapping only when I stop speaking and mimics me when I speak by screwing her face up and shaking her head side to side and moving her lips as if to mime what I had just said, a clear breach of the members code of conduct if ever I saw one, unbelievably Ardip Kaur deems Claire Carters behaviour, "Not sufficiently serious enough to warrant an investigation", yet me innocently filming a meeting is.

With this in mind I give you my absolute assurance that as soon as physical Parish Council resume I will have my camera pointed firmly at Claire Carter, if she moves position, my camera will follow her. Bullies like Claire Carter must face the consequences of their actions and the lies they tell. If she insists on tapping her pen and mimicking me when I speak, I intend on capturing it on video".

8 EVALUATION OF EVIDENCE

8.1 WHAT WAS SAID AT THE MEETING?

The audio recording of the meeting and the two somewhat conflicting versions of the minutes of the meeting leave no doubt that Paul Cullen was using a video recorder to film the meeting on 12th November. All witnesses and Paul himself confirmed this at interview. Filming appears to have continued without issue from the start of the meeting until Claire Carter brought the camera to everyone's attention around 1 hour 18 minutes into (my recording of) the meeting. There is no doubt either that the camera was eventually passed to a member of the public so that she could continue to film, on Paul's behalf, just under 15 minutes after Claire first expressed her concern. The transcript at Annex 2 is a record of what was *said* during those 15 minutes. During that period, the discussion (with some exasperation, but no raised voices) centred on:

- The fact that Paul had not declared that he was filming before he began to film, with some members saying they had been aware of the camera before the meeting whilst others said they had not.
- The alleged intimidating position of the camera, which was close to or pointing at Claire Carter.

- Who Paul had actually been filming and the direction in which the camera had been pointed.
- Where the camera might be positioned instead, with Joe Cullen, in particular, trying to find a solution and the Chair and Clerk “respectfully” asking Paul to be reasonable.
- What Paul’s reasons were for filming.
- Whether filming had happened at previous Council meetings.
- The legality or otherwise of filming, with Paul insisting he was not doing anything unlawful and that he intended to film at future meetings whilst others said that the way he was filming was intimidatory.

With that in mind I now turn to what appears to have actually *happened*.

8.2 WHAT HAPPENED AT AND AFTER THE MEETING?

Up until the point when Claire Carter drew the camera to the attention of the meeting Paul Cullen seems to have been filming without issue and, as Phill Allsopp said, the meeting seemed to be going well. However, there appear to be two “storylines” of what happened during the 15 or so minutes that followed. Unsurprisingly given the divisions then and now within the Council, one is broadly supportive of Claire, the other of Paul.

Those who support Claire tell a story of Paul moving the camera to follow Claire’s movements in the moments before she eventually drew the camera to the meeting’s attention. John Houghton says that she had alerted him to the camera just before the meeting stopped whilst others give the impression that they had perceived Claire’s increasing discomfort. Whilst there is some uncertainty (Witness A had some doubts), witnesses are generally agreed that the camera was close to Claire and pointed solely at her or in her direction, at the point the meeting stops. It is, of course, equally close to Paul himself – he is in control of the camera and sitting next to Claire. The audio record appears to bear all this out. It is not clear what Paul has been doing with the camera before then – Witnesses D and E said that Paul had been moving it and pointing it at different people during the meeting, for example. Paul told me that his video record of that evening is lost.

Those who support Paul tell a story of provocation on Claire’s part – mimicry and pen tapping earlier in the meeting. Certainly, there is a point around half an hour before Claire notices the camera when Caroline Blanksby audibly asks her to stop tapping her pen whilst Paul is speaking (indeed Paul stops talking momentarily). The pen-tapping itself appears loud and is clearly audible. It was at that point, Tim Bartram and Ros Casey said, when Paul repositioned the camera so that it faced down the table and took in Claire and others. He had not, they said, kept moving the camera whenever she moved. Caroline Blanksby said that Paul had turned the camera as different people spoke and Ros Casey said that the camera had been pointed at herself and Caroline Blanksby during the meeting. Paul Cullen told me he had altered the angle of the camera on several occasions though for much of the time it had been directed towards the other side of the room, away from Claire (and himself).

Once the meeting was paused it appears from the audio that Paul continued to film, and that the camera remained – filming – on the table, pointing in Claire’s direction and around three feet from her (and him) until she moved completely out of shot around 11 minutes after the meeting was

paused. During that period there was talk of the intimidatory position of the camera. The words “intimidation”, “intimidatory”, or “intimidate” are used eleven times – eight times by the Clerk, twice by the Chair and once by John Houghton. Claire does not apparently use the word and nor does anyone else. Witnesses spoke, though, of how she felt “scared”, “intimidated” and “distressed”. Words such as “frightened” and “chilling” are also used. After the meeting ended the transcript records one speaker saying that she had been “nearly crying”.

During that same period there was much discussion about Paul’s right to film (which no-one appeared to disagree with) and whether the camera might be moved to a less intimidating position to take in the whole meeting. Paul initially resisted all requests (even those of his father) to move the camera on the grounds that he was within his legal rights to do what he was doing – it might be intimidating, as the Chair suggested, but Paul was not, he said, “in control of the feelings and emotions” of others. He was allowed to film, he would position the camera as he wished and he would continue to film in future. Even members of the public become involved. Until Claire gets up to move she appears not to say anything at all.

Paul is asked several times to explain why he is filming as he is and eventually says it is for his own “protection”. Tim Bartram and others talked to me about pen-tapping and facial expressions, Ros Casey talked of Claire and John Houghton “pressing Paul’s buttons” and of Paul’s agitation. Paul, Ros said, was not “threatening” but he could be “stubborn”. Others described his behaviour as “very agitated, very stressed”, “confrontational”, “deliberately intimidating”, “chilling”, “he simply didn’t get it”. One witness described him as “very childish”. After the meeting ended the transcript records one speaker saying, “he’s flipped, man”.

By contrast Claire is described as having “made a big song and dance about it”, she was “trying to provoke a reaction from Paul”, had “sensationalised” what had happened and was “winding Paul up”. One witness described her as “like a spoilt child”. After the meeting ended the transcript records one speaker (from the Group that supported Claire) saying that “[Paul] turned [the camera] at Claire because she was tapping .. and she was aggravating him big time”. During the same conversation, after another speaker asks if it was deliberate, the same speaker replies “Well, I don’t know but that’s Claire. She was tapping her pen”.

The complaint briefly mentions Paul coming back into the room “shouting” and “very unhappy”. It is true that someone, probably Paul, knocked on the window (a knocking is captured on the audio recording) and, on balance, it seems likely that Paul did go back into the building. There are few witnesses to this, and I did not talk to Paul at all about it. I was not, however, persuaded that Paul had re-entered the building alone even though Tim Bartram, Ros Casey and Caroline Blanksby said they could not recall the incident.

That said, the audio recording does not capture “Paul storm[ing] back into the room and slamm[ing] a pile of complaints on the table” as Mark Bartram and Ian Walters are leaving the building as Witness C alleges. Had that been the case I would have expected the audio to capture that. John Houghton and Witness D’s account of Paul pulling out a stack of letters and saying that he had been using the camera to protect himself from “all these complaints” appears more credible and measured and seems to discredit the suggestion made by Witness C.

This also aligns with Paul’s comment to me that it was “nonsense” that he had filmed in an intimidatory way but, rather, he had done it “for his own protection” as a defence against the

many complaints he had been getting, “it was never my intention to intimidate anyone”. Claire, he said, had never mentioned being intimidated during the meeting though he agreed that, if he had followed her round with the camera, then that would probably constitute intimidation (though legally, he could do that) but he had “absolutely, unequivocally” “one hundred percent” not done that. She had made “a massive issue” of it.

9 CONCLUSIONS - WAS THERE A BREACH OF THE CODE OF CONDUCT?

9.1 WAS THE SUBJECT MEMBER ACTING IN AN OFFICIAL CAPACITY?

Before reaching a conclusion on whether a breach or breaches of the Code took place, I must first establish whether Cllr Paul Cullen was “in capacity” when he attended the Willington Parish Council Meeting at the Old School on 12th November. The legal position has been discussed in some detail in Section 3.3 above. Given that the Subject Member was serving as a member of the Parish Council I **conclude from the evidence available to me that Paul Cullen was acting in official capacity when he attended the Parish Council Meeting on 12th November 2019.**

9.2 RECORDING OF MEETINGS – THE LEGAL POSITION

It is important, before considering my conclusions, to briefly establish the legal position regarding filming at council meetings. There are two immediately relevant pieces of legislation (though other legislation is also relevant).

- The Public Bodies (Admission to Meetings) Act 1960 and
- The Openness of Local Government Bodies Regulations 2014.

There is certainly a presumption that councillors must expect to be filmed as an important part of the democratic process. Under Section 1 of the Public Bodies (Admission to Meetings) Act 1960, and with certain exceptions, any person (including a councillor) who attends a council or committee meeting is permitted to report on the proceedings of the meeting. Section 1 (9) of the Act (inserted by the 2014 Regulations) defines “reporting” as including filming, photographing, or making an audio recording of the proceedings at a meeting.

In my opinion (and that of NALC – the National Association of Local Councils) the salient word is “proceedings”.

NALC’s view is that Section 1 “is not intended to enable a councillor to solely film another councillor”. I share that opinion and do not believe that the right to film the (proceedings of the) meeting somehow trumps the right of a councillor not to be intimidated. A councillor engaging in one-to-one filming *could* be accused of intimidatory behaviour. NALC add “ultimately, if the councillor feels harassed they should go to the police” but also emphasise the role of the Chair in controlling behaviour during a council meeting.

Whilst I am not aware that Willington Parish Council has a policy or protocol which covers this, there are many examples to be found on the internet which provide pointers to good practice.

9.3 WAS THERE A BREACH OF THE CODE?

The last step, therefore, is to consider whether, **based on the balance of probabilities and the evidence that I have available to me**, there was a breach of the Willington Parish Council Code of

Conduct by Councillor Paul Cullen on the evening of 12th November 2019. In reaching my conclusion I am conscious of Tim Bartram’s observation when I spoke to him that “had the sixfive voting been the other way, “none of this would have been happening””.

I begin with the allegation that Paul Cullen’s actions were “intimidating”.

I begin by asking “What do “bullying” and “intimidatory” mean?” The Cambridge English Dictionary defines “intimidate” as “to frighten or threaten someone, usually in order to persuade them to do something that you want them to do”. It defines “bullying” as the behaviour of a person who hurts or frightens someone smaller or less powerful, often forcing that person to do something they do not want to do”.

The Government definition of bullying in the workplace includes the following examples of bullying and harassing behaviour – spreading malicious rumours, unfair treatment, and picking on or regularly undermining someone. The definition tells us that bullying and harassment can happen face-to-face, by letter, by email and by phone.

I choose these “reasonable” definitions by design instead of those of organisations that might be said to be part of the “bullying industry”.

It seems to me, based on the facts and the balance of probability, that some of the actions and behaviours exhibited by Paul Cullen as the events unfolded in the wake of the “Megabus email” in mid-2019 (described in two other reports that I have written but not repeated here) might be construed by a reasonable person as intimidatory and that he may therefore be capable of such behaviour.

On balance, however, I believed Paul when he told me that “it was never [his] intention to intimidate anyone” that evening; I do not believe that when he walked into the Old School he intended to film for intimidatory purposes. I was persuaded by his explanation that, having received many complaints about his behaviour over recent weeks (those that he showed to John Houghton and others after the meeting), he took the camera into the meeting to film for his own “protection”. He wanted to gather material which would allow him to defend himself against the complaints that were being made against him, and possibly to gather material for complaints that he himself might make against others in the face of what he saw as a lack of protection from the Chair. Paul believes and regularly says that he himself suffers from what he sees as bullying and intimidation by some of his fellow councillors. So, an audio recording was no longer enough. He needed video evidence to capture the actions and gestures of his fellow councillors.

Paul’s heightened emotional state (whether justified or not) appears evident from investigations I have carried out on other complaints about his behaviour around that time and it seems evident here too. It also appears possible that there were – and maybe are - certain councillors who were willing to “wind him up” to try to elicit a response. I therefore judge Paul’s actions that evening in that light though I do believe that Paul’s responses, behaviour, and actions not infrequently make him vulnerable to allegations that he has breached the Code.

Paul thought that he was perfectly within his legal rights to film as he wished at that meeting and that those legal rights in some way “trumped” the feelings of others. Section 9.2 above sets out my own opinion on this (and that of NALC). I found it telling when he said at the meeting “I’m not

in control of their feelings and emotions” – he was referring when he said that to the possibility that filming Claire in the way that he was might have been intimidating.

Paul was very intent on asserting his right to film that evening. That, rather than intimidating Claire, was his focus. He appears to have been either oblivious or completely unconcerned about the effect the filming might have been having on others. All that mattered to him was proving that he was well within his rights to film in that way when others were wrong to try to impede that lawful activity.

Turning to Claire, I am not sure that, when she alerted the meeting to the filming, she herself considered it to be “intimidating” *at that point*. There were few in that room that evening, I think, who understood the legal position about filming though the Clerk appears to have had a good idea, and Paul thought he did. I consider it more likely that Claire was uncomfortable at being filmed yet did not then realise that there was a presumption that councillors agree to being filmed. That said, she was correct, in my view, in objecting to filming in close proximity to her (which certainly had the potential to be intimidatory). However, I believe that the idea that it actually *was* intimidatory grew the more the word was used in that 15-minute spell and probably reached maturity in the days after the meeting.

I consider it likely that, by the time the meeting reconvened, Claire had become somewhat distressed by what had happened and maybe even close to tears – she had certainly moved seats to ensure she was not being filmed in the way she had been filmed before and might have felt forced into doing that. However, I also consider it likely that she had knowingly irritated Paul and wound him up by tapping her pen loudly, and perhaps even showed her feelings through facial gestures whilst he was speaking. To that extent, she may have spurred him to reposition the camera so that he could capture what he saw as *her* “intimidating” behaviour towards *him*.

Having reached that conclusion some might suggest that filming that took place at the 19th December meeting, where three cameras were allegedly deployed (perhaps in the mistaken belief that the law permitted such filming), may well have been intended to intimidate.

This was a point that the Complainant made when commenting on (and expressing disappointment at) my conclusions. They insisted that Cllr Carter had been intimidated on 12th November saying that Paul Cullen had (i) chosen, unusually, to sit next to her; (ii) brought a camera to the Parish Council Meeting for the first time; (iii) been close to tears; and (iv) gone on to repeat the behaviour at the 19th December meeting. They were in no doubt that Paul’s intent was to intimidate that evening as it was, they said, on 19th December. I acknowledge the points made by the Complainant.

I further believe that Paul Cullen would be unwise to put into practice what he said in his 6th May email to me - “I give you my absolute assurance that as soon as physical Parish Council resume[s] I will have my camera pointed firmly at Claire Carter, if she moves position, my camera will follow her”. If Paul were to do that and a complaint were to be made as a result, I would expect an investigator to conclude that he had breached the Code by behaving in an intimidatory and bullying way irrespective of whether Claire is a “fully paid up member of the Paul Cullen hate society”.

In light of the above I conclude, based on the balance of probabilities and the evidence that I have available to me, that Cllr Paul Cullen did not breach the Willington Parish Council Code of

Conduct in that he did not act towards Cllr Claire Carter “in a way that a reasonable person would regard as bullying or intimidatory” on the evening of 12th November.

Finally, I move on to whether Paul Cullen breached the Willington Parish Council Code of Conduct in some other way. I focus in particular on whether he behaved in a way that a reasonable person would regard as disrespectful.

When Claire Carter drew the meeting’s attention to his filming, the Chair and Clerk made what seem to me to be several perfectly reasonable requests to Paul to reposition the camera to take in the whole meeting rather than one or a few councillors. They were not trying to stop him filming. Instead they were trying to find a way forward when a fellow councillor was uncomfortable with the position and angle of the camera. Paul’s father, Joe Cullen, whilst perhaps naturally supporting his son, nevertheless tried to find a way forward, as did John Houghton, rather than bring what had been a productive meeting to an abrupt and premature end.

For almost 15 minutes Paul resisted those requests and the compromise solutions suggested and argued with the Clerk and others because he thought he knew better than they did. He appeared to show little interest in resolving the situation and allowing the meeting to proceed. He focused instead on himself and his own need to show that he was right, whilst “they” were wrong. He later tried to ensure that the minutes of the meeting reflected his own version of events.

Even if he had been right, the respectful, collegiate response would have been to recognise that he was sitting - with members of the public present - in a Parish Council meeting, to accede to the reasonable requests and to take up Joe Cullen’s suggestion that the position be resolved in time for the next meeting. But Paul proved himself to be, as Ros Casey said, “stubborn”. Seemingly oblivious to where he was, he had no intention of doing what “they” wanted him to do. And all of this was played out with the Willington public watching and with certain parishioners actually getting involved. Some parishioners, it was suggested, had sat in the public area shaking their heads. I am reminded of the comment of a member of the public who spoke at the meeting on 24th September and described the Council as a “car-crash”.

In light of the above I conclude, based on the balance of probabilities and the evidence that I have available to me, that Cllr Paul Cullen breached the Willington Parish Council Code of Conduct in that he did not treat the Chair, the Clerk, his fellow councillors and members of the public who were there that day with courtesy and respect and thus did not “behave in such a way that a reasonable person would regard as respectful”. In reaching this conclusion I note that the Code makes no reference to “bringing the Council or the office of Councillor into disrepute” even though I do not doubt that Cllr Cullen’s behaviour did exactly that.

10 RECOMMENDATIONS

On the basis of the conclusions above I make the following recommendations:

- 1. That the breach of the Code of Conduct by Cllr Paul Cullen in regard to his behaviour during the Parish Council; Meeting on 12th November 2019 be referred to the South Derbyshire District Council Standards Committee for further action.**
- 2. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that councillors should not exhibit behaviour which “brings the Council or the office of Councillor into disrepute”.**

3. That Willington Parish Council agrees to an early programme of reconciliation and a review of its working arrangements (including its committee structure) to try to restore relations within the Council and, further, that any councillor who is unwilling to take part in a programme of reconciliation should consider their position as a councillor. In doing this all councillors should set aside the need to score points and stop raising complaints against one another and wasting time and money. They should instead focus on finding common ground and doing what is best for the village of Willington.
4. That Parish Council and Committee Meetings are formally audio and video recorded and that those recordings are made available on a Willington Parish Council YouTube or Facebook channel.
5. That, if not already completed, a Willington Parish Council policy or protocol be developed relating to audio and video recording which is legally and procedurally robust and ensures that any such recording is not intimidatory in nature.

ANNEX 1 – DOCUMENTS AND SOURCES

In the course of my investigation I reviewed a variety of source materials. These are listed below.

- (1) “Willington Parish Council Code of Conduct” - accessed on the Parish Council website <https://www.willingtonpc.org.uk/>
- (2) South Derbyshire District Council “Complaint Form” and “Procedure for considering a complaint that a member has breached the Code of Conduct” - accessed on the SDDC website <https://www.southderbyshire.gov.uk/>
- (3) Public Bodies (Admission to Meetings) Act 1960
- (4) Local Government, England – The Openness of Local Government Bodies Regulations 2014
- (5) Minutes of Ordinary Parish Council Meeting – 12th November 2019 accessed on website (see above)
- (6) Minutes of Extraordinary Parish Council Meeting – 19th December 2019 accessed on website (see above)
- (7) Audio recording of 12th November meeting provided by interviewee
- (8) Paul Cullen email to Melvin Kenyon – 6th May 2020 3.30pm
- (9) John Houghton email to himself – 12th November 10.26pm
- (10) YouTube Video of the December 10th Meeting which was posted the following day under the aegis of “Umbrella News Now Derby” – reviewed early January 2020, now untraceable
- (11) Wendy Amis (CEO DALC) email to Parish Clerk, 20th November 2.14pm

ANNEX 2 – TRANSCRIPT OF PART OF PARISH COUNCIL MEETING TUESDAY 12th NOVEMBER 2019, 7pm Venue: The Old School, The Castleway, Willington Present: Cllrs P Allsopp (Chair); M Bartram, T Bartram, C Blanksby, C Carter, R Casey, J Cullen, P Cullen, J Houghton and I Walters Also present: Members of the public (including Angela Budworth), D Townsend (Locum Clerk)

[1 hr 17 mins 53 secs – 1:17:53]

A discussion was in progress regarding the planting on the embankment.

CC – So, whereabouts in the Station Garden are they?

JC – I don't know I wasn't there when she was doing them.

CC - I can't hear you, you've got your hand over your mouth, sorry.

JC – *[Speaks louder]* I said I wasn't there when she was doing them so I wouldn't know.

CC – Right. OK.

JC – You'll see next year when they come up.

[1:18:00]

CC – Could I just request? I'm not sure whether we should be filmed? I've not been told, I thought we were doing audio recording, but I didn't realise we were being filmed.

DT – I didn't know we were being filmed, sorry.

CC – If you could pause, please.

Low mumbling and traffic noise

DT – It is but it would have been courtesy to have advised members before you started filming.

[1:18:16]

PC – We've done this before.

Various mummings saying "not filmed" or similar

PC – We have. Come on love.

CC – I'm not your love, please don't speak to me like that.

DT – In all fairness, it's quite intimidating to have it that close to people. I think if you want to film, I think you should really have it at a part of the meeting that is taking in most of the councillors. That, there, is quite intimidating with the greatest of respect. *Mumbling*

Male voice – What are you trying to film? Is it Claire or Claire and myself? Or ?

PC Err, just the meeting.

PA But it's pointing here.

CC – Can we just pause the meeting please because I'm not

DT – Yes, I understand that. We will suspend the meeting.

PC – What are you asking me to do?

PA – I'm asking you to either move it or turn it off.

PC – OK, but on what grounds?

PA – That it's intimidating, it's too close to Claire.

PC – So, where would you like me to move it to?

[1:19:17]

DT – Maybe over there? So it's directed down here or here so it's directed down there.

AB – I'll hold it for you if you like.

PC – No, no it's fine. I'm *really* good with where it is.

Male voice – Well, we're not

JC – Angela Budworth's just said she Angela Budworth

PC – *[Inaudible]* I'm not doing anything that I'm not allowed ... *[inaudible]*

JC – Angela Budworth has

DT – I think it's intimidating as well.

[1:19:50]

JC – To get the meeting to carry on, Angela Budworth has just said that she'll hold the recording and if they are going to suspend the meeting *[inaudible]* I suggest that we give it to Angela Budworth.

PC – Well my issue is, if you suspend a meeting, you have to suspend it for a reason. If the reason is because a Councillor is filming, I think that's not a reason.

PA – It's the way it's pointed, Paul. The Clerk and Joe have actually given you a different alternative and one of the public but you're actually

PC – So you want me to move it based on.....?

PA – Based on that it's intimidating to the people adjacent to yourself.

PC – Right, so I'm not in control of their feelings and emotions OK?

JC – I'm asking you to move it so the meeting carries on.

PC – Right, ok, can I have it minuting then? Please?

DT I've minuted it.

PC That I have, *reluctantly*, passed it to a member of the public but you need really to provide me with some legal reasons why I can't film with that camera there.

DT – I think simply because with that camera there it's not taking in the meeting. That there is taking in one Councillor

PC – Listen, listen.....

DT - and I think if that makes, that makes that makes her..... No, I think

PC – Listen, listen

DT – I'm not stopping you recording Councillor Cullen....

PC – Now listen

DT – Can I just finish.....?

PC – No because I was talking first So, we *will* be at this point again in the future because I will be doing this at every meeting.

[1:21.11]

DT Coughing, inaudible mumbling

PA – But not there, but not there [*inaudible*] we won't

PC – Based on that then, because I'm giving you I'm telling you that's what I'll be doing at every meeting and you're saying you're not going to allow me to do that then I'm not going to accept your offer to pass it out there because [*inaudible*] it would be a mistake at this point.....

PA – Right, the meeting is suspended.

PC – Suspended or closed?

JC – Can, can ... you let me put it there then?

PC - But that's for tonight

JC – OK. That's for tonight and we'll sort it out for the next meeting but let's just get on with it.

JH – Is there a reason why you don't just want to film everybody?

PC - There is a reason John, yes. There is a reason.

JH - Do you want to tell us what that reason is?

PC – Yes, I'll share it with you in closed session, yeah? Why are you pulling a face?

JH – You want to record in public, but you don't want to tell us the reason why in public. You want to do that in private.

PC – Yes, you got it. Spot on. You got it.

–

JH – Why?

PC I’ve just told you why.

JH No, you haven’t.

PC – I’m not going to.....

DT – We need to suspend

PA - I’m going to suspend the meeting for fifteen minutes while you have a discussion.

Banging on table to suspend meeting

PC – And what happens next month?

JC - Well we’ll decide that when you bring it next time.

PA – The meeting is suspended.

DT – Let’s suspend it for fifteen minutes and see if we can make some sort of an agreement and a compromise. Erm and then

[1:21.12]

Coughing and banging

JC – I agree that you can film, I agree that you can film but I wouldn’t like to see the meeting just get.....

Banging

PC – It’s appalling.

Male voice – Correct, it is.

DT – Paul, Paul, I just think you must understand that actually having that there pointing at one member of the Council is quite an intimidating thing.

[Inaudible]

DT – No, you just moved it

PC – OK, so I’ll leave it there.

DT – No, what I would do is It’s a suggestion what I would do is put it over there. You are quite within your rights to film this meeting; nobody is saying that you’re not. However, where you’ve got that camera is quite intimidating and I think if you could just put it over there and I allow you to come So you’re getting a very fair representation of the meeting rather than it being a specific person.

JC - Can I just say? People must have seen that camera being there since the start of the meeting.

DT – I didn’t notice it

–

JC – Why didn't someone bring it up at the start of the meeting? As soon as I walked in I seen it there.

DT I didn't notice it

[Female voices shouting over each other]

Female voice – I saw the camera there

[More loud voices]

DT – Yes but with the greatest respect with the greatest respect this is about the Council, this is about the Council. All we're saying is

AB – It's a public meeting

DT – It is. All we're saying is, please could it just be moved? I'm happy with the meeting being recorded but could it just be moved so that we have we record the whole meeting?

AB – In the past couple of meetings, there has been recording going on by councillors other than this gentleman without it being discussed half way through the meeting. I haven't been at these meetings, but I have been told about it. I have been to some meetings where they have been recorded.

PA – So you have been to other meetings that have been recorded by a councillor?

AB – Yes, and by the public.

PA – Well we're not aware of the public, can you say which councillor was actually videoing because I'm not aware of it?

AB – Well it was being recorded.

DT – Yes, audio.

AB – Yes well I take recording to mean both ways.

DT – Yes, audio.

AB – Well I thought that's what that was.

Inaudible muttering

JH – It's audio

Another female – You can't film somebody without their permission

AB – It has happened here before

[1:24:44]

JH ? -Yes, people at the back, they're doing what we're asking here and taking the whole view and not just filming one individual person. I wasn't aware, probably because of the angle that it was at, I wasn't aware there was a camera.

JC – Someone just said that you can't film someone without their permission, that's not true

JH - I didn't say that was the case ...

JC – No, I'm not saying you did A member of the public did ...

DT – Councillor Cullen (addressing JC), can we just.....I think we all accept that you can film. We accept that but what I think we would like to see is a fair representation of that which would simply Just to put it somewhere towards there so it's comingtaking in the whole meeting rather than just filming in an intimidatory way.

JH – You said that you tell me in private the reason why you wanted it in that particular way ...

PC – I've changed my mind now.

JH – You've changed your mind now? OK

Low level mumbling from DT to PA apparently about the conduct of meeting

PA – OK, we'll wait for Tim to come back. And then we'll

[1:25.38]

JC – I wouldn't like to see the meeting get err... get postponed because I understand what you mean and I errr but I wouldn't like to see the meeting get postponed because of it.

Female voice – That's a wide-angled one isn't it?

PC – I'm being asked to not do something that I'm [*door slams*] allowed to do. It's utter nonsense.

DT – If somebody finds it intimidating then I think, I think you know With the greatest respect we're not asking you not to do it

PA – We're just asking you to be reasonable Paul. That's what we're asking you.

PC – Well I think you're being unreasonable and that's my view. [*Muttering*] I'm not doing anything illegal or unlawful, I'm allowed to do it, I don't have to tell anybody that I'm doing it. That's there. It's for my protection.

JH – It's not unlawful, nobody's saying....

DT – Nobody's saying it is

PC – That's there It's for *my* protection

JC – That's what I've brought that down tonight for my protection, but audio will do for me.

Female voice – But it's moved now, so can't we just carry on?

PA – No, no, it needs to be.....

DT – I think what we said, is it needs to be a little bit further away so we can have a wider view. That's all we're asking.

PC - *inaudible*

DT – OK, well that then is up to the Council to decide whether they want to carry on with the meeting. Yeah, yeah, yeah, that's fine JC – Are you recording this meeting?

Female public – I am, yeah

JC – Well can you tell them that you're recording before you record? You're supposed to say like I did when I come in.

Female public – I'm not a Councillor

JC – Doesn't make no difference if you're recording it. You're supposed to say

Short inaudible exchange between JC and female public

DT – Just to be clear. In actual fact, nobody has to say they're recording [JC tries to interrupt] no, no, it's a courtesy, it's a courtesy. Let me just say it's really very unusual that within a parish council meeting you would expect councillors to be recording other councillors, it's quite unusual. It's more common for members of the public. Members of the public can come in, they can make a recording, they don't have to say, Paul's quite right in all that what he says, however, I think that if a member of the Council is finding something that's intimidatory, and I have to be honest if that was pointing at me from that close, I think I probably would feel the same. But we have offered a solution. I'd just like to confirm that. We have offered a solution.

[1:28:00]

PC – It's not a solution you've offered, it's an alternative view, but it's not a solution. A solution is to leave it there.

PA – OK, so, erm

JH – Is there a reason why you won't put it so that it's filming the whole Council?

JC – because to be honest with you, most of the night it's been on a different angle and hasn't been pointing at you most of the night.

Male councillor - I'm not sure what it's been, I've not seen it so....

JC – I seen it as soon as I come in

Male voice - There's no reason why you couldn't put it over there....

PC – *[Inaudible sentence]* that'd be my choice

JH – There isn't a reason *[inaudible]*.... You want to

PC – *[Inaudible short response]* ... there is a reason

JH - OK would you care to tell us what the reason is?

PC – I won't, no.

JC – I can understand his reasons for doing it. I can definitely understand

JH – OK, do you want to tell us what his reason is for doing it?

JC – *[Inaudible short response]*

JH – Yes but why is that directly pointed at certain people and not taking in the full view of whole the Council?

[1:29:02]

JC – I don't think it was. I just said to you. When I come in it's been pointing over this way, he's only just turned it round when she said something

Low level mumbling female voices including DT "yeah but you couldn't tell [?]"

Noise of chair being pushed along the floor loudly PA

– Don't go, Claire, just sit somewhere else.

CC – I'm just trying to move into *[inaudible]*

PA – Ok but We're going to take a vote on it

DT – We're going to take a vote on whether to close the meeting, Claire

PA – Yes, we're going to take a vote on it, we're just waiting for Caroline to come back CC

– OK

PA – So, just stand at the back or something like that.

[1:29.36]

JH - I don't think it's very professional to intimidate a fellow Councillor and to

Raised, inaudible voices including JC "And that's why I've got that let me tell you" Two loud bangs like metal on metal. PC – in a low voice, "...that's just my opinion"

[1:29.56]

PA – We're just waiting for Caroline to come back and then we'll take a vote on whether to continue the meeting.

Male voice – I'm more than happy that you're recording.

JC – Sorry?

Male voice – I'm more than happy that you're recording

JC – You're more than happy that I'm recording. I'll record whether you're happy or not I don't need your permission.

Caroline returns

PA – OK, let's bring the Council back to order now. I'm going to propose a vote. A vote to close the meeting due to the issue with the camera that Paul's had on some of our councillors. So

JH – I would like to think that there's a solution to this before we have to close the meeting though.

PC – Are you asking for? Is that a proposal?

PA – No, what I'm saying is, we've asked you We've asked you to move that to a sensible area. The proposal is that one of the parishioners hold it or it goes over there.

PC – *[Inaudible]*

PA – John’s asked John’s asked for a solution, the meeting’s been going very well up until now. If we could move that somewhere else where you can continue filming, then we can continue with the meeting. Failing that, then we’ll have to have a vote on whether we close the meeting or not.

[1:31.25]

PC – OK. If I were to pass that camera to Angela in the audience you must understand that it will be to allow this meeting to continue for now, but I give you my utmost assurance, that that camera will be with me at every meeting, hereafter, with me, in that particular place. When I decide during a meeting to do that then I’ll do it and if I decide to do *that* I’ll do it [*presumably positioning the camera each time*], because I’m not doing anything that I can not legally do.

PA – OK. Obviously, we will seek guidance between now and the next meeting.

PC – OK. In that case, then if you are looking at me or talking about me at a meeting [?] then I will do that.

PA – OK. Thank you.

Chairs moving

PC – Thank you [*Presumably to Angela Budworth*] Can you just capture the whole meeting?

Walking and chairs moving.

PA – OK, then so just to recap and continue the meeting now.

[Meeting continues at 1:32.22]

ANNEX 2A - – TRANSCRIPT OF CONVERSATION AFTER END OF PARISH COUNCIL MEETING TUESDAY 12th NOVEMBER 2019, 7pm Meeting ends 2:16.15

General mumbling and moving about

[2:17:58]

Voices close to microphone (movement and murmuring in the background)

Male A - The reason I didn’t was because I went home that night after the I’ll give you a good reason why I didn’t. I went home after the Axis50 one and I explained, I was talking to my wife afterwards and then it was brought to my attention afterwards, that why did Ian not vote for it? And Ian said we could get pulled for, like legally, against something, you know how they’ve been talking? So, I had a bit of an argument with my wife over it. So the reason why I abstained is because I knew that you would be able to get it through. That’s why I abstained from the vote.

Caroline Blanksby – OK

Male voice- Because there was five of you who voted for it and if I voted against it, it would go against.

Caroline Blanksby – So, you were doing it to be helpful?

Male Voice – Yes **Caroline Blanksby** – Thank you

Lots of banging and crashing like stacking chairs, some chatter, sound of packing up and walking

[2:21.04]

Claire Carter - ...I thought it was audio but when he started moving it, I thought well it's not alright

Female voice – No

Claire Carter – So he was sat there, and he moved it towards me facing across, so I knew

Knocking on the window

Male voice – Right, are we going?

Male voice – What's he banging on the window for now? Say nothing when you go out here.

Several footsteps, sound of conversation

Male voice – Rocky. We call it Rocky. They're all hanging back there, you don't want to be hanging back there, that's why I was waiting for you, I'd have gone.

Three males get into a car. Radio sounds in background.

[2:22.13]

Male voice - Well she's just come to me and she says well I'm extremely disappointed in you and I said OK.

Male voice – What about?

Male voice – The fact I didn't vote for them on that. You know, when we voted about objections.

Mumbling

Male voice – Put it on, shove it on yeah

Male voice – Caroline, she just come up to me and said "Can I just say?"

Male voice - You can't bully someone into

MB - I said, let me explain something to you. I said, I went home after that last meeting and I was solely for the Axis 50 thing and I said and then it was brought to my attention that I could end up with a court case against me because it was being issued to me by DALC. And you know, I thought about it a bit, and I said I ended up having an argument with my wife. I said I totally agree with what you're doing. I said but

Male voice – That came across.

Male voice - I said but we haven't got clarification. I said, so, I wanted you to get your vote in and I knew there was five of you

Male voice – You didn't object did you?

Male voice - So I knew if I objected, you would get your motion passed, so that's why I did it.

She said, "Oh right" she said, "It was just that Ros said to me that she was miffed" and I said, "that's why I did it, 'cos I knew you'd get your vote through". She said "Oh right, OK, fine". I said, "So you got your vote across".

Male voice - But you're still a cunt aren't you?

Male voice - But how can she be disappointed with me when she's fighting me over the bloody bridge thing?

Male voice - Yes, and you never fucking voted

[2:23:55]

Male voice – Well you didn't vote for it, but

Male voice - I think anyone in that public could see that I'm not against it, but it's got to be legal

Male voice – Yeah, definitely

Male voice - And not only that, Axis 50 was 98, 98, 97% for the village. For old folks homes. Old folks home, I'd put money on it, it's 60% that would be against it

Male voice - You can't do it and pay half of every fucker. What was going on with that video shit?

Car stops

Male voice - I think he was videoing Sue. I think he was videoing Sue but then he turned it at Claire because she was tapping and she was aggravating him. She was aggravating him big time.

Male voice - Was she? What deliberately?

Male voice - Well I don't know but that's Claire. She was tapping her pen.

[2:25.03]

Getting out of car, walking

Male voice - I personally wanted it all to come, I thought half past eight, I haven't had my tea, cracking. Let's go. And then Claire's got to put a complaint in for that, surely. Hasn't she? I would. I nearly said to him "Paul, if I'd got a camera and went and sat it in front of you pointing straight at you" He'd kick off. **Male voice** – Yeah

Male voice – He'd kick off

Male voice – Course you would, 'cos it's like, you can't do that.

Male voice – And when he said he wouldn't move it, even fucking Joe said to him, "move it". He's flipped man.

Male voice - Well this is what worried me because I thought Joe was determined to get this meeting finished [inaudible]

Male voice - Yes, what's he want?

Male voice - Yes, but there was nothing there

Male voice – No. I think Joe Phill said to me, it was a good meeting it was going well **Male voice** – There was a good crowd there.

Male voice - Oh yes, I was so chuffed the people that were there, *Male Name* was there

Male voice - [Asks who the male is]

Male voice – [Gives name]

Male voice - Who's that?

Male voice – [Gives personal details] He turned up, there's people there and they were all shaking their heads. I kept looking round and they were all shaking their heads. *Female name* people from the village and that's what you need. You need more and more of those people to turn up and see what's going on. He's flipped mate, he's lost it.

[2:26.30]

Car doors slamming shut

Male voice – Eh? You what?

Male voice – He just walked past me and went in you all fucking hang back and then you all have a chat.

Male voice – Yeah, that's why I wanted to get outside. I wanted to walk away from it, but I wasn't leaving without you.

Male voice – He always seemed to have an issue with me didn't he?

Male voice – Oh yeah. Oh we've got a new bin.

Male voice – I think he loves me

Male voice – He's desperate, he wants a one-to-one with you

Laughing

Male voice – You're his public enemy you are, you're the man [*inaudible background chat*]. I seriously think Claire's moving up the list. [*Walking*] I'm not too sure but I think Claire's going to become his new nemesis. When he was talking about, "I'll talk about it later", I thought he was going to start asking about who's put objections in against him. I thought that's what he wanted to talk about.

Male voice - Yeah the whistle blowing thing.

Male voice – Yeah

Male voice – I think [*inaudible*] giving stuff to John. He can't prove it. He can't fucking prove that. All the emails go to private email addresses. I don't think so. Any fucker could be sending that to any fucker. Prove it, prove he's got the

Male voice – Yeah. Well it is. It's proof, isn't it? He's got to have proof.

Male voice – It's difficult to prove [*inaudible*]

Male voice – He has. He has, especially when you’ve got the likes of Angela Budworth there saying “I’ll video it for you Paul” and she says “Councillors have been videoing it for months” and he said “Name them” she wouldn’t name them because [inaudible].

Male voice – ... [inaudible] point a video straight at fucking Claire

Male voice – Oh fucking hell, Claire was nearly crying.

Male voice – Was she?

Male voice – Yeah. Claire was nearly crying. If Claire doesn’t put a thing in against him I never declared I was recording it but I ain’t gonna declare it.

Male voice – You don’t need to.

[End 2:29.06]

Melvin Kenyon and Associates

South Derbyshire District Council (Willington Parish Council)
Complaint LAC/86 against Willington Parish Councillor, Paul Cullen

Report prepared for Ardip Kaur, Monitoring Officer, South Derbyshire District Council – 12 July 2020

Investigation Report – South Derbyshire District Council (Willington Parish Council) Complaint against Councillor Paul Cullen (Subject Member)

1. EXECUTIVE SUMMARY

1.1 BACKGROUND

In late October 2019, Ardip Kaur, Monitoring Officer at South Derbyshire District Council (“SDDC”), appointed Melvin Kenyon to investigate certain complaints about the alleged conduct of Paul Cullen, a Parish Councillor serving as a member of Willington Parish Council (“the Council”).

1.2 FOCUS OF THE INVESTIGATION

There were several complaints requiring investigation and Complainants had, in general, asked for their confidentiality to be preserved (as provided for under the SDDC Complaints Procedure). To reduce the complexity inherent in preserving confidentiality and help improve understanding, the complaints have been separated into coherent, manageable groups for reporting purposes.

On 19th August 2019, a complaint was prepared for Ardip Kaur’s attention alleging that Cllr Paul Cullen (i) had breached the Data Protection Act and (ii) sent disrespectful, abusive, and vexatious emails to the Chairman of Willington Parish Council. This report (“the Report”) and the related investigation (“the Investigation”) focus on that complaint (“the Complaint”). The text of the Complaint is set out largely, but not entirely, verbatim below.

1.3 CONCLUSIONS AND RECOMMENDATIONS

I conclude from the evidence available to me that **Paul Cullen was acting in official capacity when he sent the emails that are the subject of the Complaint.**

In light of the above I conclude, based on the balance of probabilities and the evidence that I have available to me, that:

- **Cllr Paul Cullen breached the Willington Parish Council Code of Conduct in that he did not treat the Chair, the Clerk, and his fellow councillors with courtesy and respect and thus did not “behave in such a way that a reasonable person would regard as respectful”. In reaching this conclusion I note that the Code makes no reference to “bringing the Council and the office of Councillor into disrepute” even though I do not doubt that Cllr Cullen’s behaviour did exactly that.**
- **The emails that he sent that are covered by this Complaint do not go so far as to be considered bullying or intimidatory.**
- **If Paul Cullen did share Phill Allsopp’s “personal information” in the form of a personal email address with Billy Randles, he did that unthinkingly, accidentally and without malice. There was no harm done. By using a “personal” email address instead of the**

Parish Council alternative to conduct Parish Council business, Phill should not, perhaps, be surprised when that email address sometimes gets shared with members of the public. To pursue this any further might be said by some to be somewhat peevish.

On the basis of the conclusions above I make the following recommendations:

1. That the breach of the Code of Conduct by Cllr Paul Cullen in regard to his behaviour in sending the emails be referred to the South Derbyshire District Council Standards Committee for further action.
2. That no further action should be taken in respect of Paul's alleged breach of the Data Protection Act 2018.
3. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that councillors should not exhibit behaviour which "brings the Council or the office of Councillor into disrepute".
4. That Willington Parish Council agrees to an early programme of reconciliation and a review of its working arrangements (including its committee structure) to try to restore relations within the Council and, further, that any councillor who is unwilling to take part in a programme of reconciliation should consider their position as a councillor. In doing this all councillors should set aside the need to score points and stop raising complaints against one another and wasting time and money. They should instead focus on finding common ground and doing what is best for the village of Willington.

2 OFFICIAL DETAILS OF SUBJECT MEMBER

Cllr Paul Cullen told me that he was initially co-opted onto the Willington Parish Council in December 2014. Following that he was elected twice – in May 2015 he was elected unopposed and in May 2019 he was elected in a ballot.

He told me he had probably served on almost all of the Committees during his time as a councillor in Willington. These included the Neighbourhood Development Planning Group, Recreation and Amenities Committee, Footpaths and Open Spaces Group, Planning Committee, Staffing Committee, and the Car Park Advisory Group. To date he had not served on the Finance Committee nor had he served on the Burial Committee, which was a relatively new Committee.

Cllr Cullen told me that Committee representation was adjourned at the Annual Meeting on 12th May due to there being more nominees than positions available. However, he hoped to serve on the Recreation and Amenities Committee, the Neighbourhood Development Planning Group, and the Finance Committee.

On a personal level, Cllr Cullen told me that he was originally from Liverpool and had lived in Willington for most of his adult life.

3 RELEVANT LEGISLATION AND PROTOCOLS

3.1 LOCALISM ACT 2011

Under section 27(1) of the Localism Act 2011 (“the Act”) a “relevant authority” (which includes a local council) is placed under a statutory duty to “promote and maintain high standards of conduct by members and co-opted members of the authority”.

Under section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity” (see 3.3 below).

Under section 28(1) of the Act a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with prescribed principles of standards in public life – the so-called “Nolan principles”.

The intention of the legislation is to ensure that the conduct of public life in local government does not fall below a minimum level which endangers public confidence in democracy.

Under section 28(6) of the Act, principal authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 27(7), arrangements put in place under subsection (6)(b) must include provision for the appointment by the principal authority of at least one “independent person” whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

Section 28(11) of the Act provides that if a member or co-opted member of the authority has failed to comply with its code of conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

3.2 WILLINGTON PARISH COUNCIL’S CODE OF CONDUCT

Under Section 27(2) of the Localism Act, the Council adopted the “WPC Code of Conduct” (“the Code”) which can be found on the Parish Council website. It was adopted by Willington Parish Council on 10th July 2012 (minute 1389 refers). It was described by Paul Cullen when we spoke as a “précis” of the South Derbyshire District Council equivalent (though, in fact, there are some differences).

The Code aims “to promote and maintain high standards of behaviour by its members and coopted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council”.

The Code is based on the seven principles of public life – the Nolan principles – and these are referred to in the “Introduction” to the Code. The Code, in particular, includes the following “member obligations”:

- He/she shall behave in such a way that a reasonable person would regard as respectful.
- He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

3.3 WHEN DOES THE CODE OF CONDUCT APPLY?

Under section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority *when they are acting in that capacity*”. This section of the Act narrowed the remit of the previous national Code of Conduct with the result that the Council (as with other councils) can only investigate matters where a member was acting as a councillor or as a representative of the Council at the time of the alleged incident.

Conduct that might be regarded as reprehensible and even unlawful is not necessarily covered by the code; a link to that person’s membership of their authority and specifically their role as a councillor is needed.

Some activities clearly have no link with the Council such as a purely domestic matter or something that a member may do while employed in work completely unrelated to the Council. Councillors must actually be engaged on Council business or commenting on Council business or acting as a representative of the Authority to be deemed “within capacity”.

4 CONTEXT

Willington is an attractive village, with just under 3000 residents, located on the River Trent around six miles south west of Derby and five miles north east of Burton upon Trent. Its Parish Council has eleven councillors. One of those, Cllr Andrew MacPherson is also a Conservative District Councillor for the Willington and Findern Ward. The District Council is South Derbyshire District Council, based in Swadlincote and its County Council is Derbyshire County Council.

5 THE COMPLAINT

5.1 COMPLAINT LAC/86 DATED 19th August 2019

A formal complaint (“the Complaint”) was raised about the alleged conduct of Cllr Paul Cullen on 19th August 2019. It is unclear to me when it was actually received by Legal and Democratic Services at SDDC though, once received, it was assigned reference LAC/86. The Complainant asked that their name be kept confidential because they wanted to try to work with Cllr Cullen going forward and because they were fearful of “retribution from him or his family not only towards [themselves] but [also] their family that live in the village”.

The text of the Complaint, presented largely (but not entirely) verbatim reads as follows:

“Councillor Paul Cullen; I’ve already sent this complaint to SDDC but asked for it to be withheld because after an extraordinary meeting that was held he appeared to want to put things behind him and move on. However, that doesn’t seem to be the case. At the moment I’m not being targeted but I believe he’s targeting other people in the village.

“I’m making this complaint in regards him contravening data protection by copying Phill Allsopp’s email address to someone outside the Parish Council on two occasions without his permission. I also believe he’s deliberately sent him disrespectful, abusive and vexatious emails over a period of time to try to force him to resign. I enclose the emails as evidence.”

The emails that were appended to the Complaint, often as part of an email chain, are listed in Section 7.1 below and are included in Annex 2 to the Report.

In the period between when the Complaint was first submitted and when I interviewed the Complainant, they identified two further examples of what they alleged to be disrespectful, abusive and vexatious emails sent by Paul to Phill Allsopp and asked that those be included in the Complaint. This was done with the agreement of the Monitoring Officer. I explained this to Paul Cullen when we spoke about the Complaint on 8th March and we discussed those emails.

6 APPROACH

6.1 DOCUMENTS AND OTHER SOURCES

The source materials used during the Investigation are listed at **Annex 1** below. I obviously relied heavily, in particular, on the emails that were sent by Paul Cullen to Phill Allsopp and those are included separately in **Annex 2** below.

My colleague, Karen Potts, attended the 14th January 2020 Parish Council meeting unannounced - and “incognito” with her daughter-in-law - at my request (and cost). Her visit added nothing to the evidence base and I mention it solely for the purpose of completeness, openness, and transparency.

6.2 EVIDENCE GATHERING

6.2.1 Interview details

In respect of the investigations into complaints I carried out at the request of the Monitoring Officer I gathered evidence at interview from seventeen people. I spoke formally to all members of Willington Parish Council, with the exception of Cllr Joe Cullen, who declined to be interviewed:

- Cllr P Allsopp (Chairman)
- Cllr M Bartram
- Cllr T Bartram
- Cllr C Blanksby
- Cllr C Carter
- Cllr R Casey
- Cllr P Cullen
- Cllr J Houghton
- Cllr A MacPherson
- Cllr I Walters

I interviewed Mrs D Townsend, the Locum Parish Clerk. I also gathered evidence from six members of the public. Whilst it is my normal practice to list interviewees by name, in this case, because many interviewees asked for confidentiality, I have not done that in respect of members of the public.

I invited Cllr Martyn Ford who, I was told, is often present at Willington Parish Council Meetings (presumably in his capacity as a District Councillor representing Willington and Findern and Derbyshire County Councillor representing Etwall and Repton) to talk to me. I did not receive a reply to my email and did not pursue it further.

With the exception of Cllr Paul Cullen, I carried out my interviews in two groups. The first group of interviews took place between 13th November and 4th December 2019 with a single interview (delayed by the General Election and Christmas) taking place on 10th January 2020. This group of interviewees was made up of the Chairman, two other Parish Councillors, the Locum Parish Clerk and six members of the public.

I began trying to arrange to speak to Paul Cullen on 22nd January 2020. We finally found a mutually acceptable date and time to speak some six and a half weeks later on 8th March 2020, a Sunday.

This delay meant that the interviews that were still outstanding were themselves delayed. The second group of interviews took place between 8th April and 20th April 2020 and was made up of six Parish Councillors.

6.2.2 Interview methodology

The first group of interviews was carried out face-to-face with my colleague, Karen Potts, observing and taking notes. Those interviews all took place either in the homes of the interviewees or those of family members or friends. Where interviews are face-to-face it is my normal practice to talk to interviewees in “neutral” surroundings, such as council offices or meeting rooms, but in this case several interviewees told me they preferred not to be interviewed in locations where they felt they might be seen talking to me. Because of the COVID-19 pandemic I carried out the second group of interviews by telephone, and without Karen’s support.

With the exception of Paul Cullen, a note was produced as a summary of each of the interviews and all those interviewed were given the opportunity to comment on the note whilst it was still in draft. Several interviewees made comments and those comments were reflected in the final versions of the notes, which were then formally agreed by interviewees and shared with them. Section 7 of the Report contains details drawn mainly from the interviews.

At time of writing, Cllr Andy MacPherson, who was sent the first version of his summary note on 4th May, had not signed off the second version of the note. I told him by email on 13th May that I would regard his summary as signed off if I had heard nothing by 18th May and, although I spoke to him before that date and prepared a second version to reflect his comments during that conversation, I had no response to the second version and heard nothing more. I did not pursue him further and have used the draft second draft as evidence.

My discussions with the first group of interviewees were recorded. Once summary notes had been signed-off by interviewees those became the formal record of each interview and the audio recordings and any written notes taken at interview were destroyed in accordance with (i) best data protection practice, (ii) what was agreed with the Monitoring Officer before my work began and (iii) what was agreed with interviewees. When I spoke to Cllr Tim Bartram for a second time I recorded that conversation at his suggestion. That audio recording has now also been destroyed.

My discussion with Paul Cullen took place at the Donington Manor Hotel in Castle Donington and I was accompanied by Karen Potts as notetaker and observer. It was recorded, with Cllr Cullen’s acquiescence, and I believe that he himself recorded the conversation. A verbatim transcript was then produced and shared with him on 5th April – it ran to more than 60 pages. He was invited to acknowledge receipt and make comments. He acknowledged receipt on 16th April.

On 4th May I asked Cllr Cullen by email if he had any comments on the transcript and said that I would assume he was content with the document but would prefer him to confirm that. I said, “It’s a long document, written at least in part for your benefit, and errors of transcription may have crept in because of that. If as I complete my investigation I do find what I consider to be material inaccuracies I will let you know and reissue the document. Should you yourself identify or become aware of any material inaccuracies in the document please let me know as soon as they emerge”. On 6th May Cllr Cullen replied to say, “I do believe there are inaccuracies in the transcript, but they are as much about process as they are about content”.

At time of writing, Cllr Cullen has not made me aware of any errors and, in general terms, I am proceeding on the basis that the transcript is an accurate record as I said I would. Should any question or difference of opinion arise, the audio record will remain until my investigations are complete as the ultimate record. This was made clear to Cllr Cullen when we spoke. Written notes taken at the interview were destroyed in accordance with best data protection practice once the transcript had been produced.

6.3 THE REPORT

After I had completed the preliminary draft of the Report it was twice peer-reviewed – for quality and to ensure consistency of approach with similar cases across the country. Following those reviews, I shared the draft Report with the Monitoring Officer, who commissioned the Report, so that she could ensure that, on its face, it was indicative of a satisfactory investigation and was of the required standard.

I then shared the draft Report and its preliminary conclusions, in confidence, with the Complainant and the Subject Member. I received a response to the draft Report from the Complainant.

The Subject Member acknowledged receipt of the draft Report but declined to comment on it. He was initially asked to comment on the Final Report within eight working days (by 3rd July) – the SDDC “Procedure for considering a complaint that a member has breached the Code of Conduct” stipulates a minimum of five working days – and insisted on an extension to 31st July. The Monitoring Officer offered a further extension of five working days to 10th July (making 13 working days in total). However, the Subject Member said that he would be providing his observations to the Monitoring Officer by close of play on 31st July but would not be communicating with me any further. He subsequently blocked me from sending him emails.

Accordingly, and having received no comments by 10th July, I now submit my Final Report, containing my final conclusions and recommendations, to the Monitoring Officer.

7 FINDINGS

7.1 EMAILS FROM PAUL CULLEN

The emails and related chains that are included in the Complaint are included in full in Annex 2 so that they can “speak for themselves” but have been listed below with reference numbers. The reference numbers have been included in brackets in 7.2 and 7.3 below and elsewhere so that

readers can be clear which email is being discussed and thus facilitate understanding. All emails were sent by Paul Cullen.

[Email 1] To John Houghton, 5th June at 15.58

[Email 2] To Phill Allsopp, 6th June at 16.06

[Email 3] To John Houghton, 11th June at 17.09

[Email 4] To Billy Randles, 12th June at 20.48

[Email 5] To Phill Allsopp, 14th June at 22:00

[Email 6] To Parish Clerk, 18th June at 21:14

[Email 7] To Parish Clerk, 19th June at 19.45

[Email 8] To Parish Clerk, 20th June at 12.14

[Email 9] To Phill Allsopp, 9th October at 23.19

[Email 10] To Phill Allsopp, 7th November at 20.19

7.2 WITNESS A

Witness A's statement about the Complaint reads as follows:

"This complaint had originally been put in about Paul Cullen and emails of this kind [disrespectful, abusive and vexatious]. However, at the 24th July Extraordinary Meeting Paul had shown some vulnerability, sent an email saying that the meeting had been very positive, and things appeared to be blowing over. By 19th August, that no longer seemed to be the case and things were getting worse.

"Melvin Kenyon said that he would look separately at the question of confidentiality and the email address (see emails of 12th and 13th June involving Billy Randles) and asked Witness A to concentrate on the emails.

"Witness A then shared a number of emails (though there were others) that contained the kind of vexatious and abusive language that they were objecting to. Witness A said that they were intimidating and contained personal attacks on Phill Allsopp. Witness A said that these emails and others should be read by Melvin in detail to get a proper flavour of the kind of emails that were being sent by Paul. Melvin agreed that he would do that after the conversation".

5th June, 15:58 [Email 1] – This referred to the Chair and Vice-Chair "freelancing and failing to communicate with the wider Parish Council" and the need for the Chair to work "diligently all day to see what action the Parish Council could take against Councillor Johnny S Phillips for his vile racist, discriminatory comments". This should apparently have taken precedence over the financial audit which was taking place. See the email from John Houghton to councillors at 12.41 that same afternoon.

6th June, 16.06 [Email 2] – This referred to the role of the Chair and Vice Chair and Paul "absolutely not "wanting to understand the role of the Chairman" because I am actually "knowing the role of the Chairman". It refers too to the "maverick manner in which you have acted in your first month in post". This occurred at a time that Paul was trying to get Phill Allsopp to resign.

11th June 17:09 [Email 3] – “Chair and Vice Chair freelancing at will, both clearly have an inability to communicate with the wider council”. Sent in response to a statement that Phill Allsopp met the auditor. Any councillor has the right to meet with DALC without anyone’s permission. Full Parish Council approval was not required.

12th June 20:48 [Email 4] – The “Billy Randles” email which contains the phrase “Again all Councillors copied in, in the interest of transparency, (something that Councillors Allsopp and Houghton would do well to remember). These emails also breached confidentiality.

14th June 22:00 [Email 5] – An email requesting an Extraordinary Meeting, which included an attachment suggesting that “the Chair has refused to answer very open, honest and straight forward questions. Councillors Allsopp and Houghton appear to have a misconception that their role brings with it superior executive powers, which of course clearly is not the case. In order for the Council to move forward in a more harmonious manner it is of paramount importance that Council[lor]s Allsopp and Houghton have a full understanding of their roles and responsibilities”.

18th June 21:14 [Email 6] – This email was sent to Debra [Townsend] on day three of the seven days available to the Chair to consider the request for an Extraordinary Meeting. Paul had taken it upon himself to prepare his own agenda and set up his own meeting. He also wrote, “I would just add that the behaviour of some Councillors and their inability to communicate is really very disappointing”.

19th June 19:45 [Email 7] – This email had been sent to Debra [Townsend] further to the 18th June email. Witness A saw its tone as threatening, particularly the second paragraph. This was an example of Paul trying to take charge without following due process (to do otherwise does not suit him). Paul was not happy that the Extraordinary Meeting would discuss other urgent matters (an item about burials, for example), which is permitted. “If you or the Chair fail to answer my perfectly reasonable questions in the email I sent out earlier today, the posted agenda ... will be taken down and replaced with the attached agenda which is specifically ... what [was] actually asked for. You will also note that the Extraordinary Meeting will now take place on Thursday 27th June”.

The meeting took place as scheduled by the Chair on Tuesday 25th June. Minute 369/19 records the Chair’s statement at the meeting that he would not be replying to harassing and vexatious emails.

20th June 12:14 [Email 8] – This email was one of a number of emails about litter near to two entrances of the old Willington Power Station. When Phill Allsopp joined the Council he and the then Chair, Cliff Warner, had organised a litter pick which was done under the aegis of the RAC Committee. The then clerk Jacqui Storer had sourced the necessary bags and equipment for the pick. The collected litter was picked up by SDDC the following day.

Just before the election Phill did another “private” litter pick with his son. His son posted some photos of them doing the litter pick on the Spotted Willington Facebook Group (which Phill was not happy about). Paul responded to this on 28th May by asking for copies of risk assessments and for the exact dates of the litter picking events. Phill had not done a risk assessment (which is actually the right thing to do) and Paul probably knew that. He was trying to “belittle” Phill for not having done any risk assessment and not actually having carried out the litter picks.

Paul wrote (copying in all councillors), “Now, I suspect that you haven’t forwarded the items I’ve requested as the truth is the RAC carried out no such events and your [sic] probably feeling a little embarrassed that you mislead [sic] both Councillors and members of the public at the May meeting, (of course no suggestion on my part that you do this deliberately)”. Paul then continued in a similar vein. Paul was accusing Phill of lying. Witness A had found this intimidating and Phill had actually found some emails from Jacqui Storer which proved that the events had taken place.

There had been other emails subsequent to Witness A’s complaint that they wanted to be considered as part of the complaint by Melvin and Witness A said that he would send other similar emails to Melvin as they arose for inclusion in his complaint, possibly via the Monitoring Officer. Witness A then shared two such emails.

9th October 23:19 [Email 9] – This email to Phill was about the proposed Ivy Close development discussed at the Parish Council Meeting on 8th October and Paul’s disappointment at the outcome following a close vote.

Paul had requested an Extraordinary Meeting (questioning the locum clerk’s ability and her advice that such meetings were not exclusively for urgent business and saying that the clerk had misled the public). Requests for Extraordinary Meetings tended to happen when Paul did not get his own way. The email ended with the statement, “I would also note the extreme hostility directed towards me by yourself [Phill Allsopp], Cllr Houghton, Cllr Carter and the Locum Clerk which I do hope will not become the norm. As I’ve said in the past, I will not tolerate bullying and will have no hesitation in taking those members who think this kind of behaviour is acceptable to task”. Witness A took this statement as “a very, very clear threat” and found it “quite chilling and sinister”. There had been no hostility and Witness A suggested that Melvin should listen to the audio to verify this.

7th November 20.19 [Email 10] – This email was a follow up (though emails were actually still continuing) to a series of emails about the raising of a complaint about the Locum Clerk, Debra Townsend, for holding an inquorate meeting. It showed (i) Paul’s unwillingness to accept the advice that the Council’s complaints process was actually fit for purpose. This advice had been given to the Chair by DALC whose recent advice Paul said had been “questionable”. This advice did not fit his version of events; (ii) Paul’s desire to create the impression that he was the subject of “brutal hostility”; and (iii) his threats (solicitors etc.) and antagonism towards the Chair, the Vice Chair and the Clerk. Phill Allsopp had not replied to the email of 10th October because he had received confirmation from DALC that the approach taken by the Locum Clerk was legitimate so there was no complaints process to be followed because a complaint was invalid”.

7.3 COUNCILLOR PAUL CULLEN

That part of the conversation that I had with Paul Cullen when I spoke to him about the Complaint is transcribed below. Please note that this differs in some small details from the transcript already shared with Paul (which he had not signed off at time of writing) because I felt that absolute accuracy was important here:

[2:56:00]

“Melvin Kenyon [MK] – OK. Let’s move onto the very last one, which is a bit more complicated in that it’s about emails that were directed at the Chair. I didn’t want to give you a list of emails Paul

Paul Cullen [PC] ... sure

MK - but I have got [paper] text of them.

PC – I’m just going to log into the email account now so I can

MK – Yes, please do.

Pause whilst Paul logs on

[2:56:49] PC

– OK.

PC –

MK Are you OK? Right, I'm looking at a First of all, the complaint refers and I've referred to this in the text it referred to you twice copying Phil Allsopp's personal email address to people outside the Parish Council without his permission.

PC – But you're not investigating that.

MK – I let's just say we have investigated it because there is *prima facie* evidence that that actually happened. However, and it will go into the report that it happened, but we don't believe..... we just think you just did it, there was no malice behind it. You just did it, and there was no harm done, it was pretty trivial. End of.

PC – Could I just [make] one comment on that?

MK – Sure.

PC – So, all Parish Councillors have the facility to have a @willingtonpc.org email account and Phill Allsopp, not on his own, but chooses not to have that account. So, in the event that he chooses not to have that account, I suspect that myself *and others*, on occasions, whilst there's been email circulations going on have done that. But he chooses not to have

MK – Yes, I think we accept that. So, I will have to refer to it 'cos it's part of the complaint but I will simply say, for want of a better phrase, I think the word I've used in there is one of our favourite words, which is nugatory. It is really just

PC – I didn't know what that meant.

MK – No, we play about with it actually sometimes. It just means, kind of of no real consequence. So, I mentioned that for the sake of completeness because I believe it's in that complaint. Right, so, the first email I've got, Paul, is dated 5th June 2019 at 15.58 **Email 1** and I've got text, I've actually got the text here.

MK shares paper copy of what he sent PC; brief exchange whilst PC looks at it.

PC – This complaint number is?

MK – 86. Have you got that?

PC takes a few minutes to find the complaint

PC – No, not to worry

PC continues to look

MK - Dated 19th

PC – Of?

MK - August.

PC – I'm sure I've seen it. Dated 19th

–
 MK – It basically says ... what have I said here? The complaint is that you sent a series – this is my summary – you sent a series of abusive and vexatious emails to the Chair over a number of months in an effort to force him to resign.

OK

MK – So whilst it's dated 19th August, further emails came to me and said that's still what's happening.

PC – Right, but no further complaints came to me.

MK – Errr he was adding to the earlier complaint.

PC – OK.

MK – So, I know what's going through your mind Paul.

[3:01:24]

PC – I mean ... yeah I mean I should have received another complaint; you can't just keep bolting things onto a complaint, surely? Even *you* can see that.

MK – I just have to deal with what's in front of me.

PC – OK, so. OK, I mean, I'm not happy. I'm not happy anyway but I'm really not happy if you want to discuss anything after 19th August.

MK – OK, let's have a look. There are two after that date.

PC – Do we know when?

MK – Yeah, yeah, I'll come to them. We can come to them. The ones that I'm talking about are largely in June.

PC – OK.

MK – Right so if you don't want to discuss the ones that were later

PC – You won't be able to conclude your investigation for the sake of discussing two emails, would you, if I choose not to discuss anything I haven't been notified about?

MK – If you don't want to talk about the two emails that postdate 19th August, that's up to you.

PC – But you won't be able to conclude your investigation.

MK – I can There is nothing to stop me referring to them as, if you like, background information, the same as I can refer to anything at all as background information because to be clear, this isn't as it were a criminal trial it's not beyond reasonable doubt, it is on the balance of probability

PC – Sure, sure

MK - It's a civil effectively it's not a civil, it's the same burden of proof that you have on a civil matter. So, it's entirely up to you whether you talk about them, Paul. I can't make you I can't make you talk about any of it. 5th June at 15.58.

PC –

PC – I sent?

MK – Yes, you sent it to the whole Council

PC - I haven't got that one.

MK You haven't?

PC – Well I'm only referring to the ones that I've sent to Phill Allsopp.

MK – Oh right, OK well he was copied. Well you can look at it. [MK passes PC the email] You can't take it away, but you can look at it.

Pause whilst PC reads email

PC – Is this the whole email trail where you read back to front?

MK – I believe, that's what I have got as evidence, I don't know what the rest of it's about.

PC takes a couple of minutes to read the email

[3:06:00]

PC – OK

MK – You got that? OK, so, the complaint and there'll be others so keep your glasses to hand So this refers to Chair and Vice-Chair "freelancing and failing to communicate with the wider Parish Council" and the need for the Chair to work "diligently all day to see what action the Parish Council could take against Councillor Johnny S Phillips for his vile racist, discriminatory comments". This should apparently have taken precedence over the financial audit which was taking place. And then it says see the email

PC – Financial audit?

MK – I don't know anything about that ... that's There was a financial audit taking place

PC – No reference to a financial audit in the email

MK – No, no

PC - Sorry.

MK – So, this is about About, I think, the tone of the email and suggestion that he's freelancing and failing to communicate, and he should be working diligently all day for the Parish Council to take action against Johnny Phillips, so that's the first one.

PC – OK. Can I just have one more *[looks at papers]*?

MK – I suggest you make a note of these of what they are Paul, there's paper here.

PC – So, this is 5th June.

MK – Yes, 15.58. And it's you to, I suppose, the wider Council.

[3:07:44]

–
PC – Oh right yeah, yeah, so it's the whole Council, yeah.

MK – Yeah.

PC – OK so It's just the last bit of your

MK – So he considers that to be abusive.

OK, right, do you just want me to? I don't consider it to be abusive. I do recall sending it. And as I sit here today, I think that that is a perfectly legitimate, reasonable email for me to have sent. So, I don't feel that I need to justify anything in there.

MK – Fine.

PC – I think again, it's this perception of what other people find. He is the Chairman of the Parish Council; he has a duty to consult. He failed to consult. Not for the first time. I have challenged him on this on a number of occasions *and* will continue to challenge him as long as he holds the Chairman's position and I will challenge *subsequent* Chairs on this. They are not there to make decisions in isolation. They don't have any executive powers unless we give them them powers by a special motion which we have done in the past, but Phill Allsopp does not have them. He had no rights to have acted in the way that he did on that day. I understand I understand he was trying to aid and assist the Parish Council, but he doesn't have the powers to do An Extraordinary Meeting, sit down, discuss it, we'll have a plan, a strategy, we'll move forward. He wants to do what he wants to do. For me, I think that is a perfectly reasonable and rational email to send and to challenge him on them.

[3:09:43]

MK – That's fine. Let's move onto the next one. This is dated, this is headed, "Role of the Chairman" and it's dated 6th June at 16.06 and there is a trail that goes with.

PC – From me to the Chair?

MK – To Phil Allsopp, Caroline Blanksby and Claire Carter and then copied to what looks like the rest of the Council.

PC – OK.

MK – Again, you can look at this Paul to save faffing around on that [*mobile phone*] if you want. [*MK hands PC the email text*]. So this refers to the role of the Chair and the Vice Chair and you, quote "absolutely not wanting to understand the role of the Chairman because I'm actually knowing the role of the Chairman". It refers too to the "maverick manner in which you have acted he the Chair has acted in his first month in post". And the view is that you were trying to get him to step down.

PC takes a couple of minutes to read the email

[3:12:04]

PC – Yes, this is fine. So, the role of the Chairman is pretty much exactly what we've just been discussing which is desire to freelance and not consult Council. What he did was send out an

PC –

outdated document of the role of the Chair and I actually copied in one of my responses (I'm not sure if it was that one) I actually sent him an attachment of the up to date legislation, not so much legislation but it's guidance, I think it was from "The Good Councillors Guide" about the role of the Chair. So, yeah as I've said to you, I don't I try not to I try to go armed with I understand people might find it not palatable and don't like me, don't like me as a person, don't like the way I come across, I get that. But that doesn't give you carte blanche reason to act as you see fit. You still have to consult with Parish Council. I can absolutely guarantee you if I went off and did something, I can give you an example of that in a minute, but they'd be all over me

like a rash. I don't I'm slightly embarrassed with the fact that Ardip Kaur has seen fit to put these through to further investigation.

MK – Ardip hasn't I don't know to what extent Ardip has seen these, I am assuming they have been attached - I think they probably were attached - but I can't comment on what Ardip has done or not done. I don't know.

PC – If she did I would be embarrassedOK, let's not personalise it ... I would be embarrassed that a Monitoring Officer would – if she has indeed - see fit to put them forward to further investigation because, I think that, although some people might not like them, I don't think there's anything derogatory, I don't think there's anything in there I couldn't back up. I think he has acted in a maverick manner and I think he continues to this day to do so. I'm more than happy to sit down and discuss them issues with him. Perhaps during the mediation, that you referred to earlier, but yes, he sent through an outdated document. I know what the role of the Chairman is, and it doesn't include Phillip Allsopp going off freelancing at will. That's the point that I'm trying to make.

MK – What do you think the role of the Chair is Paul? I mean, I'm a Chair, Karen's a Chair.

PC – I'm a Chair, I chair many meetings at work. In the Local Authority, it's slightly different because you are very specifically, and he understands what I'm getting at, is he is there to control the meeting to make sure of the ebb and flow of the meeting, you know, to make sure that everyone gets listened to, to make sure everybody gets the right air time, he stops people when he needs to move on. Some of the things that I don't think he has the responsibility to do are, consulting with the police, bringing police to the meetings. I don't think that's his responsibility. I have actually wrote emails, probably last week so about this very same issue. I don't think it's his responsibility to go and speak to the Compliance/Monitoring officer at South Derbyshire District Council in order to obtain the services of a new Clerk. Which that's about. The Parish Council, what I was trying to explain to him, can function perfectly legally with a Parish Councillor undertaking the role of the Clerk as an emergency measure. He didn't want that, he wanted to go off and he wanted to speak to the Monitoring Officer, to the Compliance Officer, to the police, who else? To DALC, DALC is probably useful. And I don't have an objection to them *per se* as long as he brings back some Well, actually, I do because I'd be saying I'd be contradicting what I'm saying. What I would prefer to happen is that we have the debate and then he goes away with a little package of proposals that we've all put forward. Surely that's how it should work. In terms of that email, again, I stand by it.

MK – OK

PC – I don't think there's anything wrong with what I've said there *[PC hands MK the email back]*

[3:16:27]

MK – Right let's move on. This is 11th June, again if you want to make a note of it, it's 11th June, 17.09 **[Email 03]** And whilst this is to John Houghton, it copies Phill and the rest of the Council in.

MK hands PC copy of email

PC

– You know, he’s actually said at the Parish Council, he’s actually said this is the Chairman he said that he did respond to one email once about something because he’d said at Council, “I don’t respond to emails”, which I thought was a bit strange statement for a Chair to make.

MK – I think I think he would argue that he doesn’t like the tone of some of the emails and therefore he doesn’t reply to them. I’ll say no more about that.

PC – OK, right, no I understand that yeah.

MK – And I think he’s probably said that.

PC – Right. I think I would argue that.

MK – You’d have to look at the audio and things.

PC – The audio of the.....?

MK – No, I’m just saying as to whether he’d said such thing.

PC – Oh, right, ok yeah.

PC takes a few minutes to read the emails

PC – OK, so, yeah. The pissing competition is a specifically relates to a phrase that John Houghton uses a lot and he’s put in emails a lot as well. This isn’t a pissing competition, we all know what that means, so that’s what I’m trying to say to him there. But again, the main body, the content of what I’m saying, I absolutely agree with. You can’t unless you have delegated powers is the word I was looking for earlier, that’s what we’ve given the Finance Committee. The Finance Committee should have discussed that we shouldn’t be waiting until the eleventh hour to start discussing the £14,000 discrepancy. It should have gone to Finance, it should have come back to full Council, that’s how these things work. It’s not for John to meet. In fact, John is actually compromising his *own* integrity by meeting the independent auditor on his own.

MK – I don’t know.

PC – Well they’re my observations, Melvin, so again, yes it simply isn’t good enough, the Chair and the Vice Chair are both freelancing.

MK – Well this is about whether it’s abusive and vexatious.

PC – It’s a matter of fact. They did it.

MK – OK, let’s move on to.

PC – Sorry, I would just say for the recording, there’s nothing abusive in there at all.

MK – This is the 11th June at 17.09.

PC – Yes, nothing abusive in there. I just want to be very clear that the “pissing competition” - and I haven’t written the word “pissing” - relates to coin a phrase that John Houghton uses on a regular basis and actually has put it in emails. If you’d like a copy of that email, I’m more than happy to forward it to you.

[3:21:11]

MK – OK. This one is dated 12th June 2019 12th June 2019 at 20.48 **[Email 4]** and this is to Billy Randles. I don't know who Billy Randles is, I know he's bound up with Liverpool but that's all I know. Who is he?

PC – I have no idea; I genuinely have no idea.

MK – I'd like to know why you're writing to him if you don't know who he is *[laughing]*

PC – Well I'm writing to him in response to the email trail I would imagine, I'm probably responding to an email that he sent. Billy Randles is clearly to do with the scumbag, scumbag and drug dealer

MK – Yes, it is but again we've seen his name, but we don't know who he is.

PC – No, I don't know who he is. I'm assuming that he's read the Liverpool Echo.

MK – Right, so he's not somebody you know?

PC – No, I don't.

MK – I think the sentence that may have caused offence is that one.

PC – So this is being treated under 86 and not under the scumbags and drug dealers one which you're not investigating.

MK – I'm not investigating scumbags and drug dealers.

PC – OK and I know we've done that one, we've discussed it, but to this day I've never had an apology from full Council for that but that's an observation.

PC looks at papers

MK – I guess, though I don't know, that the argument would be that it's a private matter.

PC – I do want to touch on that as directly related to this because this particular complaint because.....do you want me to do it in a minute? Do you want me to hold that thought and just rattle through these?

MK – Let's rattle through them, I mean if you want to say something generally about scumbags, drug dealers, Megabus blah blah blah, happy to hear it.

PC – No, it wasn't that It wasn't so much that, it was the fact that, and it's quite ironic, so I know that conversations are being had that I've not been involved in but the fact that it's not being investigated because it's being deemed to be a private matter between two individuals is exactly the same reason that the Parish Clerk gives me for not including it as a Parish as an agenda item. I've been asking for that as long as I've been asking for the other issues and that's exactly what she says to me.

MK – It's about in capacity really.

PC

PC – And that’s the point I want to make because the scumbag and drug dealer issue, Megabus, I’ll book you a seat and pay for it is ... I know, I couldn’t believe it ... was sent from john.phillips@willingtonpc.org.uk to paul.cullen@willingtonpc.org.uk whilst we were discussing, if you look at the subject matter, was about a car boot sale. So, two Parish Councillors on a Parish

Council website email address discussing a Parish Council issue is deemed to be a private matter between two Parish Councillors.

MK – Well, that’s my understanding. The fact that if I might say The fact that you are using a Parish Council email address doesn’t necessarily mean that you are in capacity.

PC – Right, OK.

MK – Sometimes it gets very difficult around social media for instance where people It’s very tricky.

PC – That surprises me.

MK – Anyway, the point is, that John Phillips is no longer a Councillor.

PC – Yes, I suppose where I was going with it was that, for me and you’ve told me something I don’t know there, I would have thought that if you were using a willingtonpc.org.uk email account then you are acting in capacity but you’ve cleared that up for me.

MK – I do note bel Others might have a different view, but my view is it’s not *de facto* that that’s how it is.

PC – Because I’m giving my view and opinion to Phill Allsopp and John Houghton from my Willington PC account.

MK – What matters is, the content and what you’re talking about.

PC – And do you know, that’s why what really concerns me about the fact that the other allegation has been dropped against me because I would have welcomed the opportunity to have cleared my name of any wrong doing in that one and that’s the one that there’s no desire to pursue an allegation against me for and I suspect I know why because clearly it wouldn’t be good.

MK – Well we’ve not been asked to look at that.

PC – OK.

MK – I’m not the font of all knowledge on this, by the way, you know *[laughing]* there are people who It’s like any It’s probably the same in your job, Paul, there are differing opinions about things but there has to be more than a kind of It depends what you’re talking about and what you say, what position you take in relation to a given issue. It’s complicated.

PC – No, I understand that, and you have to be the arb.. you have to be the

MK – Well I have to make my judgements and I do consult with others who know about these things as well as myself and Karen and others.

Pause whilst PC reviews the email.

MK – I think the offending paragraph is the one that is sort of highlighted on there. That first sentence that ends “would do well to remember”.

PC - If the need arose, tomorrow and clearly, I’ve copied everybody in, I’m not trying to hide anything. If you look at the Nolan Principles, I could have not copied anybody in, and I could have emailed him back and said yeah what an absolute idiot he is. I haven’t, I’ve copied everyone in

and the three that you've shown me up to now, if the need arose and I felt it necessary to do so, I would have no I'm not being abusive, I've not used any....I don't think I have.

[3:29:13]

MK – All right. There are one, two, three, there are four more if we exclude the two that you don't want to talk about. This one is about this is 14th June at 22.00 **[Email 5]**, I believe, let me just check this *[Mutters]*. No, there's one here, I'd forgotten this one, this is 13th June, 13th June early in the morning. It's a Billy Randles one, I think.

MK hands PC the email

PC takes a few minutes to read it

MK – No this is simply a follow up to the one we just discussed, so that's not really relevant, so I'm back to 14th June, Paul, 14th June at 22.00 and it has an attachment to it and I think it's the attachment that is of relevance. But obviously there's that.

MK hands over the documents

MK – So this is an email requesting an Extraordinary Meeting which included an attachment suggesting, quote "that the Chair has refused to answer very open, honest, and straight forward questions. Councillors Allsopp and Houghton appear to have a misconception that their role brings with it superior executive powers, which of course is clearly not the case. In order for the Council to move forward in a more harmonious manner, it is of paramount importance that Councillors Allsopp and Houghton have a full understanding of their roles and responsibilities." That's it.

PC – I stand by I would be happy to ask for that to be included as an agenda item at next week's Parish Council meeting and I would probably not alter the wording much.

[3:32:01]

MK – Next one, 18th June 21.14 **[Email 6]**.

PC – Sorry, Melvin, can I just ask? The complaint 86 which we're discussing now has come across to you from the Monitoring Officer, so you've received a block number of complaints and 86 has come across with all of them other complaints. So, the Monitoring Officer has deemed that this these emails require further investigation along with the other 103s and whatever.

MK – As I said Paul, I don't know to what extent she had pored through the individual emails, you would have to ask her. But I have been passed complaint number 86.

PC – Right, OK.

MK – This is 18th June at 21.14.

MK passes the email to PC

MK – If I find any more emails, Paul, I will ping them across to you. There are a couple more.

PC takes a few moments to read the email.

PC – Is there a particular? This bit.... ?

MK – It's the bit that *[Paul somewhat puzzled]* I'm reading "I would just add that the behaviour of some Councillors and their inability to communicate is really very disappointing."

PC – Yes, so it's just the last Yes, we have a Chairman who won't respond. I ask for a read receipt, he wouldn't, I mean this is really important because what I'm asking for is an Extraordinary Meeting, which I'm entitled to do. And he's failed to he's failed to even acknowledge that. Again, if the need arose I don't think I would alter much about that, if I had to send that again tomorrow.

MK – Alright. I'm swamped in paper

PC – I think I'm reasonably confident that the content of my emails is always appropriate, so and I thought that you might be pulling - not deliberately or intentionally - something out of the hat with the two emails post MK – No, no, I wouldn't do that.

PC - So I would actually like to see those ones as well, although I'm conscious of time.

[3:35:56]

MK – This is 19th June at 19.45 **[Email 7]**

MK hands PC the email and PC takes a couple of minutes to read it

MK - and the second paragraph is what seems to have

PC – Yeah, so, I think the only thing that I would concede on this one, although, although I have to say I don't find the content of the email abusive, or I don't know, what's the allegation? Abusive?

MK – I think it's vexatious.

PC – Vexatious. There's nothing vexatious in there, there's nothing abusive in there. What I if I was writing this email tomorrow, I now know that because I'd asked, we'd asked for an Extraordinary Meeting and I'd sent some agenda items across. If the Chair fails to call that meeting within seven days, then you can proceed, the Councillors who have asked for the meeting can proceed and they can actually construct the agenda because we were getting no support from Deb Townsend on this. When the actual agenda came out, as I put in my email, there's noth.... it doesn't, basically it had been which she actually has the right to do but she must consult with you she's got to ask for clarification on points that you're making. She can't just make wholesale changes to it. If she's got a legitimate concern, it's her responsibility to raise them with you. The only thing that she *can* do is she can correct grammatical errors without consulting you but the content of it if she wants to change it, she has to discuss it with you. If you don't agree that, she actually has the power not to include it in the agenda which doesn't sit comfortably with me, but I accept that's what the law says. But she didn't do that in this instance. She just constructed an agenda of all the things that she wanted well, I'm not sure if she wanted them but certainly not what was asked for. That's what I was challenging her on. I now know that the bits surrounding the failure to Yeah, if nobody's answering me what am I to do? Do you know, I don't know, I say about taking the agenda down, I think perhaps what I would have done was put an agenda next to it. Or, perhaps what I would have done is just raise it in public participation in other meetings. But, again, I don't think there's anything abusive in there, I don't think there's

anything vexatious, I don't think there's anything that I probably wouldn't put in another email tomorrow.

[3:40:15]

MK – OK this last one before we talk about

PC – What was the date of that one?

MK - 19th June at 19.45. This last one is 20th June at 12.14 **[Email 8]**.

MK passes email to PC who spends a little time looking at it

MK – And this is about litter picking.

PC – Do I have to read it ?

MK - I think the germane piece is that front page. Feel free to

PC – Oh, OK. I can get by this. Phill Phill Allsopp had made reference to.....I haven't read it I will, in fact let me read it first.

MK – Yes, read it.

PC continues to read the email chain for a minute or so

[3:41:51]

PC – OK, so, I mean I haven't read the whole thing, but I've asked him on numerous occasions for err.... I just didn't want to re-invent the wheel. He's told me at a Parish Council meeting that the RAC have conducted litter picks for which they haven't got a risk assessment.

MK – yeah, his concern is that you have said in a public forum there that the litter picks ... you've basically accused him of dishonesty in that the litter picks did not take place.

PC – Well if they did take place then all I want to see is the risk assessment for it to save me having to construct another one. I'm asking for the method statement and the risk assessment from the litter picks that the RAC have carried out in order that I can merely use them for the Footpaths Group.

MK – What he's saying is he doesn't like this which is, "Now, I suspect that you haven't forwarded the items I've requested as the truth is the RAC carried out no such events and you're probably feeling a little embarrassed that you misled both Councillors and members of the public at the May meeting, (of course no suggestion on my part that you did this deliberately). So, could you either send me the information I've requested or retract your statement in which you said the RAC have carried out the litter picking events?" He is adamant that the litter picking events took place and that there is evidence that they did take place. That's it's not about the risk assessment, it's about your suggestion that they didn't take place.

PC – Why hasn't he just....? Why hasn't this come back to full Council to be discussed?

MK – I don't You would have to ask him

[3:43:46]

PC – Right, first of all, OK, so he did say, I don't think he's denying, at full Council that this was all surrounding a decision made by six Parish Councillors to disband the Footpaths and Open Spaces Group. And one of the things that the Footpaths and Open Spaces Group have, including this morning, is a schedule of activities throughout the year. So, it's all programmed in throughout the year. And we'll do footpath 7, footpath 8, we'll go and do the public open space on the Willington Marina; so we know what we're doing. Six members of the Parish Council chose to disband that group, so none of that was going to be taking place, so I said "Well we'll be losing the litter pick" and he said, "well the RAC do it". I said, "Well I don't recall the RAC ever doing a litter pick", he went, "yeah they have". So, I said, "Can I see your risk assessments then?", you know, because we could have used them. In fact, we actually used the South Derbyshire District Council risk assessment in the end. I want to be clear that, if the bit that's upsetting him is my suggestion that they never took place and he's saying they did and he's got evidence to support that, I would have thought that a better way to have addressed this would have been for him to have We could have discussed it at Parish Council, and he could have told me, and he could have showed me. But I want I can't say I want to be clear on this, but I've been a Parish Councillor now since 2014. I was co-opted on the December before that, so it was the back end of 2013 which was before Phillip Allsopp became a Parish Councillor. And the RAC to my knowledge have *never* conducted a litter pick or any kind of community event whatsoever. Phillip Allsopp went out and did some litter picking prior to being prior to the 2019 elections with his son, which was posted on social media and simply asked for some help. "Me and my dad [I think it was a post from Darren Allsopp], me and my dad, Phill Allsopp, who's standing for election at the forthcoming Parish Council election, standing for office, will be carrying out a litter pick on this day, at this time", and that was it. The RAC Committee of Willington Parish Council, categorically, I can assure you, as I sit here now have never they may have ... they've never done a *bona fide*, authorised, litter pick. We have to have a schedule of events to do ours, they've been very clear about that to comply with Health and Safety, insurance purposes. They actively go out their way to try and stop us doing it. They actively go out their way to try and put obstacles in our way to stop us doing our events. So, for us to have jumped through the hoops, for the Footpaths Group to have jumped through the hoops to get to carry out a litter pick, I would have known at Full Council, that RAC would have had to have done the same and they haven't. So, if the suggestion is that he's not telling the truth then that is an accurate judgement on his behalf. Because he's not.

[3:47:19]

MK – Right, because what he's said is after he joined the Council, he and the then Chair Cliff Warner?

PC – Yes.

MK – had organised the litter pick which was done under the aegis of the RAC Committee.

PC – Absolutely not.

MK – The then Clerk, Jacqui Storer sourced the necessary bags and equipment for the pick and the litter they collected was picked up by SDDC the following day.

PC – OK. I'm not saying that didn't happen, but it didn't happen as a function of the RAC

Committee. For all of the activities that we've carried out, including today, I can give you evidence and the risk assessment. We save everything for this exact reason, we save everything electronically, so if you were to ask what did the Footpaths and Open Spaces.....do you know, the unfortunate thing is we've got two groups who want the same outcome for the village fighting against each other here, it's ludicrous. Because, you know, he wants to.....I know what they want and he'll ultimately get what he wants because I will be resigning. But the suggestion that they have done it under the umbrella of Willington Parish Council, I would know about it 'cos we'd have discussed it at Full Council and we'd have to have seen his risk assessment, we'd have had to ask our insurance providers 'cos we have people joining in the litter picks who are not Parish Councillors who are not. So, we have to make sure everything is crossed and if you want evidence from Footpaths that that's happened, I can give it to you. I'm guessing, second guessing that Phillip Allsopp won't be able to provide you that same information. He's carried out the event – absolutely - but not as part of the RAC.

MK – Right, I think his concern is that you are accusing him of dishonesty, now in the fine detail of it I don't know, but it seems to me he *did* carry out two litter picks. One perhaps in a private capacity but the other in some other capacity.

PC – I would argue he didn't. And if the suggestion, his suggestion, that I'm accusing him of being dishonest in his role as the Chairman of the Parish Council, then he's accurate. I *am* accusing him of being dishonest.

MK – Right, on the grounds that... ?

PC – That the litter picks that he was involved in were *not* carried out under the auspices of the Recreation and Amenities Committee. Absolutely I *know* that he absolutely carried out litter picks, because I seen the pictures that he posted on Facebook. But he didn't do it because I would know. I fail to see why I wouldn't know; I don't miss very many Parish Council meetings and I don't recall it being discussed. Anything that's discussed at RAC *has* to be ratified at Full Council and I don't recall - I'll go through the minutes when I get home tonight - I'm absolutely confident that it's never been discussed.

[3:50:15]

MK – All right. There are two more which you, I think you're saying are outside the scope.

PC – I'm happy to....

MK – We can look at them. This one is 9th October at 23.19 **[Email 9]**

PC – At what time?

MK – 23.19.

MK hands the email to PC

MK – And that final sentence is what he found threatening.

PC - No, I stand by that. I stand by that paragraph. If he finds it threatening, if he finds it threatening, again, that's his perception and that's unfortunate. But my perception, because actually, you know, with the wind in a different direction, you could be sat here interviewing

Phillip Allsopp about his hostility towards me, if I'd have made that complaint, which I didn't. At that meeting, yes, this was very much about supporting the community, about a planning development which he voted against; he voted against supporting getting independent professional advice *against* the planning application. *[Commenting on email]* I would have referred to the urgent business, yes. Claire Carter, John Houghton and absolutely, absolutely the locum Clerk were all hostile towards me. And I hope it doesn't continue or become the norm because I *won't* accept it.

MK – What did you mean by “taking him to task”, or “them to task”?

Brief pause whilst PC reads email

PC – Right, so

MK – What does *that* mean?

[3:52:40]

PC – I suspect, probably, as I've just alluded to him sitting here in front of you. Look there is no suggestion, look, look absolutely.....I would have no hesitation in reporting any of them to the Monitoring Officer or the Police if I felt threatened or intimidated by their behaviour. Monitoring Officer if it was a Code of Conduct complaint and the Police. Which I have done, John Houghton and Phill Allsopp for what I believe is a criminal act, which I have done. I would take them to task for it, absolutely. **[3:53:16]**

MK – OK, and this very last one, you'll be pleased to hear, is 7th November at 20.19 **[Email 10]**.

MK passes PC the email and he takes a couple of minutes to read it through

[3:55:56]

PC – Is there a specific bit that he.....?

MK – I think I think it's about the sort of tone of it.

PC – I think we may have touched on this.

MK – We've touched on the subject matter.

PC – Yeah, which was the meeting we held and I wanted to make a complaint about the Clerk of which he was involved in and the Vice Chair was involved in, so DALC were saying I should put the complaint to the Chair and I said, “How can I because you are involved in the complaint, so there must be another option”. He clearly wasn't prepared to look at that so, I'm saying to him if you're *not* prepared to look at it, can I? So, I'm asking permission from him, whether we take that back to Full Council. If I can go and seek some guidance about it. And he never got back to me, so I asked him for an update, in fact, I think I asked him for more than one update which he never got back to me, so it's pretty much just died a well the Clerk resigned but she's back now again. So, again, I think it's reasI think it's reasonable, I don't think I'm.... Does he think I'm being abusive?

MK – Well these may be my words, but it is abusive and vexatious I think.

PC – Vexatious? Vexatious would mean that it's false.

MK – *[reads from the complaint]* “Disrespectful, abusive and vexatious”.

PC – Well disrespectful, I mean, it's not disrespectful, although no it's not. I suppose again, the measuring stick for me is, if I was in the same situation, would I send that again? Well this actual issue hasn't been resolved because Deb Townsend has now been, I voted against it you won't be surprised to know, but she's been reemployed by us as of next week, so for me, I will now be asking I'll be asking Phill about this again.

MK – OK, but please don't do it in the context of today. If you see what I mean.

PC – No, so, just “following my previous concerns around the Clerk's conduct, did we manage to move forward on an outcome for me to be able to progress this?”

MK – OK.

PC – No, I think I would probably send that tomorrow yeah.”

[3:58:29]

7.4 PAUL CULLEN EMAIL TO MELVIN KENYON

As the Investigation proceeded I received several emails from Paul Cullen. Part of one of those, received on 6th May 2020, referred to the Complaint covered by this Investigation and said the following:

“You then, at our meeting, proceeded to quiz me on complaint LAC/86, regarding several emails I sent to the Chair, Phillip Allsopp. I was absolutely dumbfounded and even more so when you informed me that additional emails sent in October and November some 2 months after the initial complaint dated 11th September were now being investigated, did someone at SDDC forget to tell me this?”

“Investigations into complaints about me had been dropped because of interference from the most senior officers of SDDC and judgements made by yourself and yet here I was sitting in front of you and your associate being quizzed surrounding the wholly appropriate and relevant content of emails sent to Phillip Allsopp in my capacity as a Parish Councillor. Why on earth didn't anyone see fit to dismiss Phillip Allsopp's childish complaints? Because I suspect my fate is already sealed. Phillip Allsopp should have been sitting in front of you charged with wasting public funds by acting like a spoiled, petulant child”.

8 CONCLUSIONS - WAS THERE A BREACH OF THE CODE OF CONDUCT?

8.1 WAS THE SUBJECT MEMBER ACTING IN AN OFFICIAL CAPACITY?

Before reaching a conclusion on whether a breach or breaches of the Code took place, I must first establish whether Cllr Paul Cullen was “in capacity” when he sent the emails that are the subject of the Complaint. The legal position has been discussed in some detail in Section 3.3 above. Given that, in sending the emails, the Subject Member was discussing Willington Parish Council business with Parish Councillors and others whilst serving as a member of the Parish Council **I conclude from the evidence available to me that Paul Cullen was acting in official capacity when he sent the emails that are the subject of the Complaint.**

8.2 EVALUATION AND CONCLUSION – THE EMAILS

The last step, therefore, is to consider whether, ***based on the balance of probabilities and the evidence that I have available to me***, there were any breaches of the Willington Parish Council Code of Conduct by Councillor Paul Cullen in respect of Complaint LAC/86.

8.2.1 Evaluation of the emails

When I spoke to Paul Cullen and Witness A about the emails they each, and especially Paul, spent considerable time telling me what lay behind each email in an effort to establish the facts of the situation.

It appears to me that, in considering the Complaint, there is limited value in reflecting upon the subject matter of the emails. I consider it a distraction, for example, to weigh the conflicting interpretations of whether the RAC did or did not carry out the litter-picking that Witness A said it did and therefore whether, in Paul's eyes, Phill *was* being dishonest, or whether the Chair and Vice-Chair's actions were in some way *ultra vires* as Paul Cullen said they were.

The allegation is that the emails were "disrespectful, abusive and vexatious" and that, rather than the subject matter of the emails, must be my focus. In answering that I must reflect on whether the tone and style adopted by Paul when he sent those emails was appropriate for a Willington Parish Councillor when corresponding with the Chair of the Parish Council or, indeed, with any fellow Parish Councillor. Was it appropriate, too, to copy the emails into all other members of the Parish Council?

Email 1 was sent by Paul on 5th June in the midst of the "Megabus email" affair (detailed in two other investigations but not in this report). Phill Allsopp had been elected Chair of the Parish Council on 14th May – around three weeks before – in (as became usual) a six-five vote. Paul was apparently wanting to make clear the role of the Chair and Vice-Chair. In doing that he referred to two individuals "freelancing and failing to communicate with the wider Parish Council" and the need for Phill to be "working diligently all day" to consider the action that might be taken against then councillor, John Phillips. All Parish Councillors are copied in.

Email 2, sent the day after Email 1 (the day when John Phillips resigned), again talks about the role of the Chair, accuses the Chair of "maverick" behaviour and says, in sarcastic terms, that the Chair does not understand his role and has shared out-of-date material which Paul will rectify at the upcoming Parish Council meeting. All Parish Councillors are copied in.

Email 3, addressed to John Houghton, continues the theme of the Chair and Vice-Chair "freelancing at will" and having an "inability to communicate". All Parish Councillors are copied in.

Email 4, a reply to Billy Randles, an interested resident of Liverpool (my description), discusses the resignation of John Phillips. Paul is copying in all Parish Councillors, he says, "in the interest of transparency (something that Councillors Allsopp and Houghton would do well to remember".

Email 5, sent to Phill on 14th June, tells him that if he does not organise an Extraordinary Meeting within seven days, Paul will organise it himself. It refers once again to the Chair and Vice Chair

exceeding their level of authority. They have a “misconception that their role brings with it superior executive powers” and, if the Council is to move forward “in a harmonious manner it is of paramount importance that they have “a full understanding of their roles and responsibilities”. It goes on, “the Council should consider their actions and determine the appropriate course of action”. The email is shared with all Parish Councillors.

Email 6, sent to the Clerk on 18th June, announces that Paul will now be organising an Extraordinary Meeting. Phill Allsopp has not had the courtesy to reply. The “behaviour of some Councillors in their inability to communicate is really very disappointing”.

Email 7, sent to the Clerk on 19th June (and which appears to me to be disrespectful to her), threatens to take down the Extraordinary Meeting agenda and replace it with Paul’s own. The earlier email to which he refers once again mentions the Chair and Vice-Chair and “the way they have been conducting business”. It is for the Council to decide “the way forward in dealing with their behavio[u]r”. All Parish Councillors are copied in.

Email 8, sent to the Chair on 20th June (copying in all Parish Councillors), says that, once again, the Chair has been discourteous in not acknowledging his email. It says, “I suspect you haven’t forwarded the items I’ve requested as the truth is the RAC carried out no such events and your [sic] probably feeling a little embarrassed that you mislead [sic] both Councillors and members of the public at the May meeting, (of course not suggestion on my part that you did this deliberately). So, could you either send me the information I’ve requested or retract your statement in which you said the RAC have carried out litter picking events”. Paul asks the Clerk (who appears not to be copied in) to put the item on the agenda of the July meeting.

Email 9, Paul’s email to Phill alone sent on 9th October ends “I would note the extreme hostility directed towards me by yourself, Cllr Houghton, Cllr Carter and the Locum Clerk which I do hope will not become the norm. As I’ve said in the past, I will not tolerate bullying and will have no hesitation in taking those members who think this kind of behaviour is acceptable to task”. Witness A described the email as “quite chilling and sinister” and a “very, very clear threat”.

Email 10 is written by Paul, confidentially, to Phill on 7th November. Witness A suggested that it displayed continuing antagonism towards the Chair, with threats of legal action.

8.2.2 Conclusion

Phill Allsopp was elected Chair of Willington Parish Council in a democratic, but close (six – five) vote on 14th May 2019. Paul Cullen voted against his election and that of the Vice-Chair, John Houghton.

The Chair’s first few weeks in his new role were plagued by fallout from the “Megabus email” (covered in other reports but not here), the heightened emotions surrounding that and Paul’s insistence, which seems to continue to this day, that the Parish Council had “agency” to deal with the matter. That insistence continued (and continues) notwithstanding the Clerk’s confirmation that the Parish Council had no agency on 3rd June 2019 and despite John Phillips’s resignation as a councillor on 6th June. On 3rd June, in an email to the Clerk, Paul Cullen questioned whether Chair and Vice-Chair had been involved in the deliberations surrounding the Clerk’s decision.

Very early on in Phill's tenure, the possibility that his second Parish Council meeting as Chair might see members of the public from Liverpool attend the meeting (as reported in the Liverpool Echo) in the wake of the "Megabus email" led him, on 5th June, to contact officials at SDDC requesting a police presence. That seems a not unreasonable step for a Chair to take, if he had concerns, with the meeting looming on 11th June. Paul Cullen was, however, insistent that Phill should have sought the approval of Full Council before doing that.

It appears to me that that action and the decision that the Parish Council had no "agency" in the "Megabus email" affair, which the Chair may or may not have been involved in, may together have been seen by Paul as justification for concluding that Chair and Vice-Chair were acting *ultra vires*.

Within three weeks of the Chair's election Paul's feelings about this were being aired in a series of emails and Paul was questioning the behaviour of Chair and Vice-Chair. Those emails were shared with fellow Parish Councillors (and in one instance with someone outside the Parish Council). By October and November [Email 9 and 10], however, Paul may have recognised that it was more appropriate to direct his concerns to Phill alone rather than share them more widely. That said, the situation cannot have been helped by the Chair's, perhaps understandable, decision not to engage with Paul by email, a decision which Paul himself might himself have seen as disrespectful.

It may well have been true that, at that time, the new Chair *did* need to fully understand his role – he had been elected only three weeks before. Given that, in normal, collegiate circumstances he might have expected to draw on the experience and quiet, personal support of someone like Paul Cullen, who clearly "knows his stuff", to help play himself into his new role. Paul, however, did not see it that way preferring instead to demonstrate his continuing opposition to a Chair who had been properly and democratically elected by sending emails and copying in all members of the Parish Council and, on one occasion, a member of the public. It seems to me that Paul was trying to show what he continues to see as the Chair's incompetence and thus, perhaps, force him to resign. However, his "incompetence" real or imagined is not the issue.

Looking in as a reasonable person and a serving Chair I believe that the language, tone, and style adopted by Paul in demonstrating his opposition was inappropriate. Words that come to mind include unprofessional, hectoring, hostile, rude, discourteous, and sarcastic. In a work context such language would, in my view, be totally unacceptable. When I spoke to Paul about these emails he demonstrated almost no insight into the effect of the words he had chosen and the impression that he was personally creating.

Paul's view was that there was nothing wrong with what he had written and that he would send the same emails again in the same circumstances because he was right, and the Chair was wrong. In his eyes, for example, Phill was *not* telling the truth about the litter-picking therefore it was right to call him out before the whole Council as dishonest. This seems to me to miss the point. To repeat, in my opinion, the way in which Paul showed his opposition to the Chair was inappropriate. It is often the case that it is not what you say, but the way you say it that matters.

In commenting on the Report, the Complainant continued to assert that the emails were bullying and intimidatory and that they were designed to discredit Phill Allsopp and to try to force him to

resign. They urged me to reconsider my conclusions and I am content to note that in my Report. Nevertheless, notwithstanding this and the suggestion that the 9th October email was “chilling and sinister” and a “very, very clear threat” and Paul’s apparent efforts to force the Chair to resign, **I do not believe that the emails covered by this Complaint go so far as to be considered bullying or intimidatory.** However, I do accept that Phill Allsopp has been deeply affected by what is seen by the Complainant as bullying and intimidation by Paul Cullen.

In light of the above I conclude, based on the balance of probabilities and the evidence that I have available to me, that Cllr Paul Cullen breached the Willington Parish Council Code of Conduct in that he did not treat the Chair, the Clerk, and his fellow councillors with courtesy and respect and thus did not “behave in such a way that a reasonable person would regard as respectful”. In reaching this conclusion I note that the Code makes no reference to “bringing the Council and the office of Councillor into disrepute” even though I do not doubt that Cllr Cullen’s behaviour did exactly that.

8.2.3 Breach of confidentiality

The Complaint also alleges that Paul Cullen breached the Data Protection Act 2018 (which superseded the Data Protection Act 1998) by twice sharing Phillip Allsopp’s personal email address, which is not on the Parish Council website, with a member of the public, Billy Randles, on 12th and 13th June 2019.

It is a matter of fact that Paul *did* share the email address and it is also my understanding that, under the Data Protection Act, Parish Councillors are Data Controllers. In their GDPR Guidance for Members, the LGA suggest that councillors should not share an individual’s personal data with anyone else without first having obtained the express consent of the individual. Hence there would appear to be a breach of confidentiality and, therefore, a breach of the Code because personal email addresses are “confidential data”.

When I talked to Paul about this he said that, all Parish Councillors have the facility to have a @willingtonpc.org email account and that Phill Allsopp had chosen not to have that account. So, in the event that he chooses not to have that account, Paul and others, had on occasion shared his personal email address.

I tend to sympathise with Paul’s interpretation of this. It is a moot point whether, if Phill chooses to use a personal email address for Parish Council business in preference to a Willington Parish Council email address, that email address can be regarded as personal in the way envisaged by the Data Protection Act 2018 since the work of a Parish Councillor involves interacting with members of the public.

In commenting on this Report, the Complainant continued to assert that Paul had broken the Data Protection Act 2018 in sharing Phill Allsopp’s personal email address without his permission – it had never been shared with anyone outside the Parish Council. They commented that Paul Cullen “does nothing unknowingly”, that it was not an accident and that the fact that no harm came to Phill “was more by luck than judgement”. I acknowledge these points and am content to reflect them in this Report.

I conclude that, if Paul Cullen did share Phill Allsopp's "personal information" in the form of a personal email address with Billy Randles, he did that unthinkingly, accidentally and without malice. There was no harm done. By using a "personal" email address instead of the Parish Council alternative to conduct Parish Council business, Phill should not, perhaps, be surprised when that email address sometimes gets shared with members of the public. To pursue this any further might be said by some to be somewhat peevish.

9 RECOMMENDATIONS

On the basis of the conclusions above I make the following recommendations:

- 1. That the breach of the Code of Conduct by Cllr Paul Cullen in regard to his behaviour in sending the emails be referred to the South Derbyshire District Council Standards Committee for further action.**
- 2. That no further action should be taken in respect of Paul's alleged breach of the Data Protection Act 2018.**
- 3. That Willington Parish Council reviews its Code of Conduct and upgrades the Code to include, as a minimum, a clause that councillors should not exhibit behaviour which "brings the Council or the office of Councillor into disrepute".**
- 4. That Willington Parish Council agrees to an early programme of reconciliation and a review of its working arrangements (including its committee structure) to try to restore relations within the Council and, further, that any councillor who is unwilling to take part in a programme of reconciliation should consider their position as a councillor. In doing this all councillors should set aside the need to score points and stop raising complaints against one another and wasting time and money. They should instead focus on finding common ground and doing what is best for the village of Willington.**

ANNEX 1 – DOCUMENTS AND SOURCES

In the course of my investigation I reviewed a variety of source materials. These are listed below.

- (1) “Willington Parish Council Code of Conduct” - accessed on the Parish Council website <https://www.willingtonpc.org.uk/>
- (2) South Derbyshire District Council “Complaint Form” and “Procedure for considering a complaint that a member has breached the Code of Conduct” - accessed on the SDDC website <https://www.southderbyshire.gov.uk/>
- (3) Local Government Association – General Data Protection Regulation Guidance for members
<https://www.local.gov.uk/sites/default/files/documents/The%2BGeneral%2BProtection%2BData%2BRegulation%2B%28GDPR%29%2B-%2BGuidance%2Bfor%2BMembers.pdf>
- (4) Various emails from Paul Cullen to Phill Allsopp and others as listed in Annex 2
- (5) Paul Cullen email to Melvin Kenyon – 6th May 2020 3.30pm
- (6) Willington Parish Council Minutes 11th June 2019 accessed on the Parish Council website
- (7) Paul Cullen email in response to Parish Clerk 3rd June
- (8) Paul Cullen emails to Phill Allsopp 7th, 8th, 10th and 11th June

ANNEX 2 – PAUL CULLEN EMAILS

The emails and related chains that are relevant to this Complaint are included in full in the 32 pages that follow this “cover sheet”. **Readers will note that the pages that follow are unnumbered.**

The emails and related chains have been listed below with reference numbers in square brackets e.g. **[Email 1]**. They are referred to in the Report itself using these numbers and are identified in this Annex using the same (handwritten) reference numbers so that readers can be clear which email is being discussed. **When reviewing these emails readers should ignore all handwritten notes and numbers other than the handwritten reference numbers in square brackets.**

All emails were sent by Paul Cullen.

- [Email 1]** To John Houghton, 5th June at 15.58
- [Email 2]** To Phill Allsopp, 6th June at 16.06
- [Email 3]** To John Houghton, 11th June at 17.09
- [Email 4]** To Billy Randles, 12th June at 20.48
- [Email 5]** To Phill Allsopp, 14th June at 22:00
- [Email 6]** To Parish Clerk, 18th June at 21:14
- [Email 7]** To Parish Clerk, 19th June at 19.45
- [Email 8]** To Parish Clerk, 20th June at 12.14
- [Email 9]** To Phill Allsopp, 9th October at 23.19
- [Email 10]** To Phill Allsopp, 7th November at 20.19

REPORT ONE - ANNEX 3

2nd Newspaper report – Liverpool Echo 4th June 2019

Politician who told Everton fan to go back to Liverpool with the 'on the mega bus with all the scum bags and drug dealers' is getting a visit

Derbyshire Cllr John Philips can expect some fresh faces at his next parish council meeting.

BY

Liam Thorp

- 16:00, 4 JUN 2019
- **UPDATED** 16:01, 4 JUN 2019

NEWS

REPORT ONE - ANNEX 3

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Cllr John Philips (pictured on council leaflet) was behind the anti-Liverpool messages

A Derbyshire-based politician who made vile slurs suggesting people from Liverpool are 'scum bags and drug dealers' could be facing a tricky response - Scouse style.

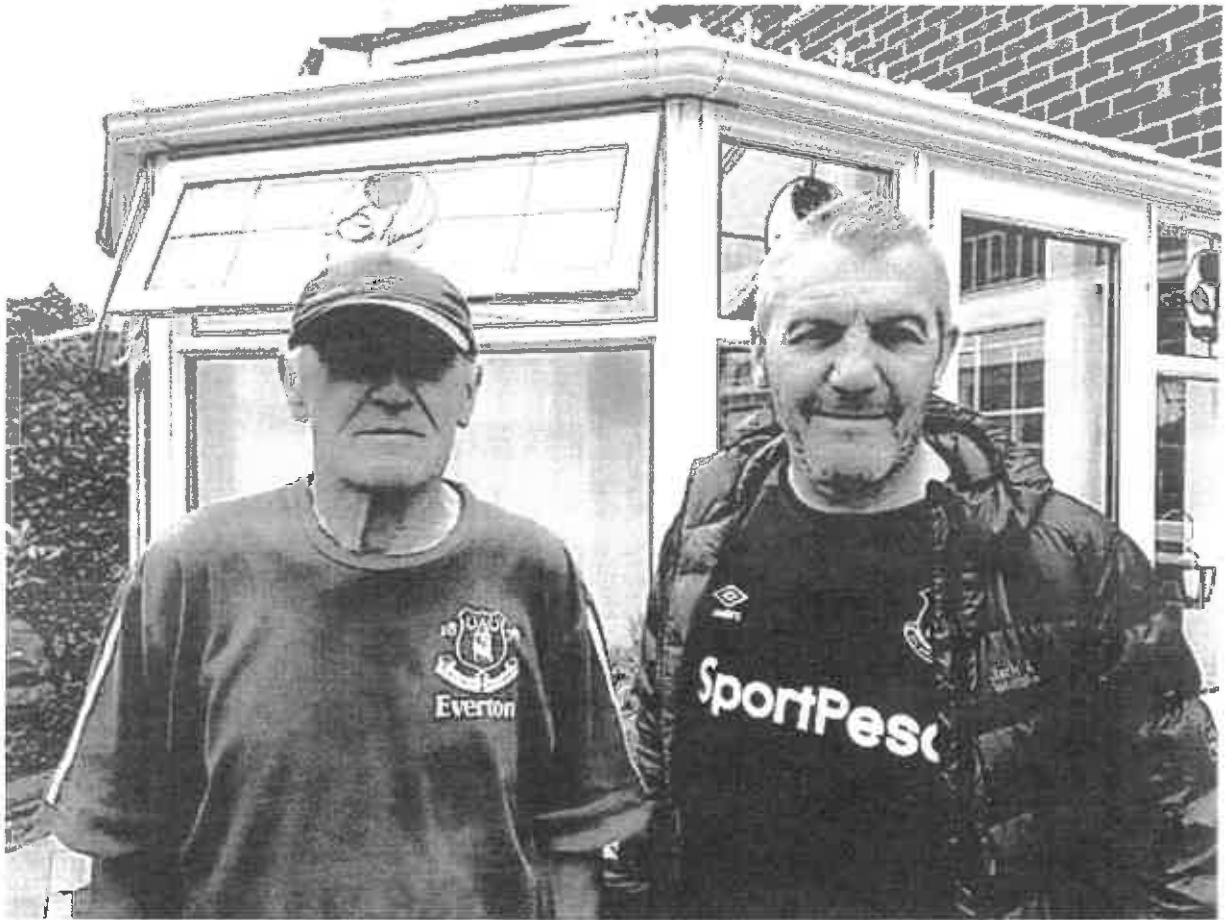
Yesterday, the ECHO reported how Willington Village Parish Councillor John Philips had made the comments in an email to his fellow councillor, Liverpool-born Paul Cullen.

After a tense exchange between the two, Cllr Philips said: "Hi Paul, I've had a call from the Mega Bus, they're happy to take all sorts of scum bags and drug dealers back to Liverpool tomorrow - if you know any please let them know, I'll pay - this is a public service broadcast."

The email caused great offence to lifelong Everton fan Cllr Cullen - as well as his father Joe, who is also on Willington Council and who also saw the email.

Cllr Cullen Jr, 50, has been trying to raise the issue with the local district council and the police - but has been told the slurs used don't constitute a hate crime.

REPORT ONE - ANNEX 3



Cllr Paul Cullen (right) and his dad, Cllr Joe Cullen, were outraged by the comments from a fellow Parish Councillor

But he revealed that Cllr Philips may be forced to explain his comments when a Scouse contingent arrives at the next meeting of Willington Parish Council.

Cllr Cullen, who has many family members still living in his native Liverpool, explained: "A lot of people I have spoken to - including members of my family - are really upset by what he said and that so far nothing has been done about it.

"It looks like there will be some people from Liverpool coming to the next meeting, on June 11, who will want to very clearly ask some questions of Cllr Philips - some of my friends and family definitely want to challenge him."

But he said those in attendance will be well mannered and will behave correctly.

He added: "Cllr Philips clearly already has his own prejudiced ideas about Liverpool so we don't want to feed into that and anyone who comes along will act in an appropriate manner."

STANDARDS HEARING STATEMENT 01 – CLLR PHILL ALLSOPP

Notes:

1. Phill Allsopp 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 always referred to by name. Instead he is referred to as Witness A in Report 01; Witness A in Report 02; Witness D in Report 03; and Witness A in Report 04. He is referred to by name in Report 08.

STANDARDS HEARING STATEMENT 01 – CLLR PHILL ALLSOPP

SOUTH DERBYSHIRE DISTRICT COUNCIL (WILLINGTON PARISH COUNCIL) – Complaints by Phillip Allsopp against Cllrs Paul Cullen and Joe Cullen

Summary notes of conversation between Phillip Allsopp (PA) and Melvin Kenyon (MK - Investigating Officer), Wednesday 13th November 12.40pm – [REDACTED] Willington. 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 myself 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?

PA confirmed that he gave his consent to the recording.

For the benefit of this recording it is now Wednesday 13th November at 12.40pm or thereabouts and we are in Sycamore Court, Willington.

This is an interview with Cllr Phillip Allsopp about Standards Complaint number LAC/78 regarding his allegations about the conduct of Cllr Joe Cullen [JC] and Standards Complaints numbers LA/86 and LA/96 regarding his allegations about the conduct of Cllr Paul Cullen [PC].

[MK: The interview also covered Standards Complaint number LAC/103, raised by PA on 11th November 2019, which had not yet been shared with MK by the Monitoring Officer].

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 Councillors Paul and Joe Cullen) and the Complainant (in this case yourself). 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 recording will not be shared with anyone else without your permission and it will be destroyed once the summary has been agreed by us both. If you would like a copy of the recording I will send one to you.

At this stage I am intending to produce two reports (though I may review that decision later) – one about the various complaints raised against Joe Cullen and the other about the complaints raised against Paul Cullen. Before the investigation is completed, they will be sent copies of the reports and a draft of those parts of the report relevant to you will be sent to you to enable you all to make any representations you consider necessary. Having considered

STANDARDS HEARING STATEMENT 01 – CLLR PHILL ALLSOPP

comments on the draft reports, I will then issue my final reports. 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. 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 and Joe Cullen have a right to know about the nature of the complaints made against them. Some of the complaints are very specific and it is likely that they will be able to draw their own conclusions even if complainants insist on anonymity. In the case of at least one of these complaints there were several people present at the meeting so identifying specific individuals will not be so easy. What are your thoughts on confidentiality?

PA replied that he was particularly concerned about the physical safety of himself and his family in regard to PC. This was a very real concern. He did not want to be a “sitting target”. He therefore felt somewhat restricted about what he could say. 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 JC or someone acting on their behalf want more information about the complaints then s/he would need to go to the Monitoring Officer for that information because MK was acting for the Monitoring Officer. She was well aware of the need for confidentiality.

PA confirmed that he was not concerned about her willingness to maintain confidentiality but clearly some of the things he said might well prove to be attributable to him. MK repeated that PA would have the opportunity to review what MK wrote before it was declared to be the final record and that the recording itself would be deleted at that point and not shared with anyone else without PA’s permission. PA confirmed he was happy with that. PA understood that, for MK’s report to be worthwhile, he could not simply make a series of generalised statements. MK said that he would write his report with the need for confidentiality in mind in as far as he was able. Of course, redaction of parts of the final, agreed summary was also a possibility if it needed to be shared more widely.

MK emphasised 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.

MK asked PA whether he was content with everything he had said, and PA confirmed that he was.

STANDARDS HEARING STATEMENT 01 – CLLR PHILL ALLSOPP

Background

PA said that he had moved to Willington in 1998. He was spending much time working in Europe at that point. He had originally been elected to the Parish Council a couple of years after arriving in Willington and had served as Chair for a year. But pressure of work had forced him to resign.

After he retired a couple of years ago he had started to attend Parish Council Meetings as a member of the public. He was then co-opted onto the Council in August 2018, following the resignation of Sam Watters (MK should speak to him), and actually elected in May 2019. He had quite enjoyed the first few months as a councillor and had had little contact with the Cullens outside the meetings either in person or by email.

When Sam Watters resigned he had read out a strong, powerful statement about JC. Sam had been elected at the same time as John Phillips and Ian Walters following an election campaign during which they had unexpectedly sent an election leaflet to every house in the village. PA had himself stood unsuccessfully at that time along with two other candidates.

The three of them had come onto the Council (around five months before PA was co-opted) with lots of energy and ideas and wanted to drive the Council on. All three, and John Phillips in particular, had clashed with the Cullens, perhaps because they were seen as novices. They did not seem to be able to agree on anything. PA was therefore aware that there were issues at the time of his co-option to the Council though he had not known what those issues were because they were not discussed in open session.

After his election in May 2019 he was asked to stand as Chair at the Annual Parish Meeting because the then Chair, Cliff Warner (a friend of his), had lost his seat. He was voted in as Chair (Tim Bartram, newly elected, was the other candidate). The vote was split, as it usually is, along the normal lines (see later).

He had not encountered the Cullens at all before his election as a councillor. JC [REDACTED] comes across as aggressive even under normal circumstances! When he first observed him at meetings as a parishioner he felt that he had a lot to say and was quite aggressive in presenting his opinions.

PC was the Vice-Chairman at that time and was always very quiet at the meetings. He appeared composed, articulate and intelligent but he was definitely “pulling people’s strings”. He did not come across then in the way he had come across since PA had been appointed Chair.

PC and his father were “a double act”. His father was brash and loud and happy to call people out and be rude and disrespectful at meetings. At that time there were two other older female councillors (no longer on the Council) who voted with the Cullens all the time. The two female councillors – for different reasons – no longer attended Parish Council Meetings after around November 2018 and the Cullens themselves had barely attended meetings between then and May and had had little input when they did attend. The Parish Council got on well and progress was made, for example, with the Neighbourhood Development Plan.

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After the election in May 2019 the new Council was constituted, and Ros Casey, Tim Bartram and Caroline Blanksby were amongst those elected. They too had sent out an election leaflet. They had joined the Council to support the Cullens, as is their right.

[REDACTED]

PA and others had also put out a joint leaflet. PC was upset about this because he had not been included. PC was barely elected. JC had made no comment.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PC had expressed concerns about the possible effect of the complaints on his job during an Extraordinary Meeting on 24th July (an exempt item). [REDACTED]

[REDACTED] PA understood that public servants had a code of conduct that they had to follow. If these issues became public it could lead to problems for PC in his role as a public servant, PA understood. PC had apparently gone to his HR Manager and told him/her that there were issues in the village.

PA said that, in his opinion, the Cullens had intimidated Chairs and Clerks over the years who had eventually refused to battle on and had simply resigned rather than raising complaints. PA understood that JC had given Bill Harding (whom MK should perhaps speak to) a particularly hard time though he did not know him very well. The Cullens had managed to sweep aside anyone who stood in their way and had got away with it for quite a long time.

However, individuals were now starting to make a stand and raising complaints against the Cullens. PA felt that, because he was now meeting opposition for the first time, PC was becoming concerned and this was why he was reacting as he was.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The “Megabus” email and subsequent events

PC and JC appear to hate the owner of the Dragon pub. [REDACTED]

[REDACTED] During the time he has owned the Dragon the owner has put 25 planning applications into SDDC, some of which were opposed by the Parish Council. PC and JC have allegedly objected personally to all these applications and it may be that the Council’s opposition was driven by PC and JC (PA did not know). The Council lease some land from SDDC which is adjacent to the Dragon. Written into the standing orders is a stipulation that no business should use that land, though charities can. PA had heard, but not verified, that this stipulation had been written in by PC.

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On 4th May, soon after the elections on 2nd May, PC sent an email to all Parish Councillors pointing out that the Dragon had put a bouncy castle onto the land for the bank holiday, in breach of the policy. He asked permission of the Council for him to go and ask them to remove it. Apparently Cliff Warner, the retiring Chair, agreed to this but John Phillips was against it. Whilst many residents do not like the Dragon there are many who would have wanted to be able to take their children to enjoy the bouncy castle whilst they enjoyed a drink at the Dragon.

John Phillips replied to PC soon after he had sent his email suggesting that he should not be so silly (or similar). Things accelerated from there. There was an exchange of emails between them that became nasty before John Phillips sent an email [MK: at 21.20] saying, “Hi Paul, I’ve had a call from the Mega Bus... They’re happy to take all sorts of scumbags and drug dealers back to Liverpool tomorrow ... if you know any please let them know I’ll pay ... This is a public service broadcast”. John Phillips had copied in several councillors.

It was this incident that “kicked everything off to the point that it is today”. PC was “raving” about it at the Annual Parish Meeting that took place on 14th May though John Phillips kept his cool, which was just as well.

At the next meeting on 11th June, PA’s first as Chair (apart from the Annual Meeting), PA was nervous because of what had happened following publication of the articles in the Liverpool Echo and its sister paper the Derby Telegraph about the “Megabus” email. Photos of the Cullens in their Everton shirts had appeared as did a photo of John Phillips. John’s Parish Council email address was also published somewhere along the line. There had been the suggestion that there would be a contingent of people coming from Liverpool to carry out a “peaceful protest”.

Before the meeting PA had spoken to Ardip Kaur and the SDDC Chief Executive Frank McCardle who had both confirmed that this was not a Parish Council matter. As recently as last night (12th November Parish Council Meeting) PC was still trying to elicit an apology to the people of Liverpool from the Council. PC had been demanding such an apology since June. DALC had also confirmed that this was a private matter. PA would not, therefore, allow it to be discussed at any meeting because it was a private matter.

PA is professionally experienced at chairing meetings but found this one “quite intimidating and quite difficult” because PC “would not shut up” and “kept having a go at John” (who had by now resigned because of concerns for his family). PA had “thought naively” that that would be the end of it [REDACTED] But it wasn’t. However, PA “got through the meeting”.

[What follows can be redacted as necessary should this be circulated more widely]

PA believes that PC [REDACTED] is extremely sensitive to criticism, does not like challenge and likes to be liked. “You are either with him or you are against him”. He regularly portrays himself as a victim, with everyone against him.

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He regularly tries to belittle PA, questions his judgement and publicly accuses him of misleading the public, even in the face of legal advice from DALC. He does not take “no” for an answer and is personally very intimidating. It is often tempting in such circumstances to let him have his way to “get him off your back” and to “back off”.

An example of his “bluff” is the Axis 50 planning application which would have a major impact on the village. In PA’s absence on holiday in September the Council agreed to spend £7,000 on a professional planner to put an objection in even though the clerk advised that this was not legal (as advised by NALC via DALC). Because this advice did not fit with PC’s view “it [the legal advice] doesn’t exist”. There had been a similar objection the night before MK’s conversation with PA (12th November) in respect of Ivy Close.

At a recent (June?) Extraordinary Meeting (which PC often called) PC had got onto the agenda three items about PA’s personal ability as Chair and the role of the Chair. Such items were often preceded in the days before by intimidating and bullying emails. PA no longer answers such emails because such emails are often “sprats to catch a mackerel” and led to exchanges of emails (as with John Phillips) which raised the tension. His failure to answer emails was also on the agenda at the meeting and PA had said in the meeting that he “did not respond to vexatious, harassing, intimidating and bullying emails” and, as a result, did not open PC’s emails. This had caused PC to back off. The two subsequent items were not then discussed.

As a result, PC had not sent PA any emails for two to three months, but he had recently started to send similar emails again. A recent email, for example, had stated that he would not allow PA, Debra Townsend, Claire Carter and John Houghton to bully him and if they continued to do that he was going to “take them to task”. This was undoubtedly a threat and was quite chilling and sinister. He had recently sent similar obnoxious emails to Debra just prior to a meeting.

By contrast, JC is [REDACTED] aggressive, and does not care what he says or what he writes. He is “awful, horrible but what you see is what you get, though you can almost deal with that”.

[REDACTED]

[The above can be redacted as necessary should this be circulated more widely]

In the early days PC had planted friends and family in the parishioners’ section of the meeting who had asked questions on his behalf, often about John Phillips and seeking a public apology from John Phillips and asking the Parish Council to make a public apology to the people of Liverpool about his behaviour.

At the 11th June Parish Council Meeting Debra Townsend was voted in as Locum Parish Clerk having been sourced from DALC (with the usual 6:5 split on the Council at the vote). She is a strong, tough, experienced, resilient lady but at times feels challenged by the Cullens’

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behaviour and has had a “tough time” in the role [REDACTED]

JC’s view was that he would do the clerk’s job with the help of Ros Casey. The Cullens therefore had a dislike of Debra immediately. Before taking on the role she had known nothing about the Council, or the individuals concerned and did not live locally. She did, though, know before she took the role on that there were issues.

The Cullens had previously seen off other clerks - Laura Storey, [REDACTED] Justina Nurse and Jacqui Storer, for example. Rebecca House had worked as clerk for only a month before she received what she saw as threats by email in the wake of the Liverpool Echo article and resigned because of probably unfounded fears for her safety. [REDACTED]

There was a search currently underway for a clerk to replace Debra being done under the aegis of a Staffing Committee (Joe Cullen, Ros Casey, Caroline Blanksby, PA and John Houghton). PA was currently trying to slow the pace of this search (there were three viable candidates already in post as clerks elsewhere) because he felt it would be wrong to have someone resign a position to join the Willington Parish Council when things were so “hostile”. JC treated clerks particularly badly though both Cullens were putting pressure on Debra. PA felt that this was because the clerks controlled the agenda and, if they did not get their way as regards the agenda, they tended to become abusive and aggressive.

[REDACTED]

Matters relating to Complaints

This was important background to the three complaints that had been made by PA which MK had been asked to investigate. PA then took MK through each of the three (as well as a fourth) in turn. [He also referred to the events of the meeting the evening before their conversation which later resulted in a complaint, LAC/107, by Claire Carter].

LAC/78 raised by Phil Allsopp on 4th July 2019

Complaint LAC/78 referred to harassing, abusive and generally vexatious emails from Joe Cullen which PA had been receiving since he became Chair. JC knew that PA had put this complaint into the Monitoring Officer so confidentiality was not an issue here.

PA then shared a number of emails (though there were others) that contained the kind of harassing, vexatious and abusive language that PA was objecting to. Some of these had not

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been included in his original submission to the Monitoring Officer. PA said that these emails and others should be read by MK in detail to get a proper flavour of the kind of emails that were being sent by JC. MK agreed that he would do that after the conversation. PA said that, should any further emails arrive that he felt were similarly abusive and vexatious, he would forward them to MK, perhaps via the Monitoring Officer, so that MK could consider them to be part of this same complaint.

24th May 11:52 – This email, copying all councillors, was one of a series about the recently formed Staffing Committee. At the first meeting of the Parish Council after the election (the Annual Meeting on 14th May), when councillors indicated which committees they would like to serve on, PA had expressed interest in the Staffing Committee. JC had been adamant that, as Chair, PA could not be a member of the Staffing Committee and had been very vocal about it at the meeting. This was not actually true though PA did not know it at the time and did not push it because it was his first meeting; anyone has a right to join any committee. PA was now a member of the Committee.

The earlier emails in the series were about a pending performance review of the then clerk Rebecca House which included, in PA's opinion, sensitive information which JC had shared with all councillors as well as with the clerk herself. PA pointed this out politely to JC (as Councillor J Cullen because he had forbidden others to call him Joe). JC replied simply "I sent the email to the clerk and it was no mistake, I asked for information regarding the Staffing Committee, there is no sensitive information in my email, and don't reply to this email".

PA made the mistake of replying and received a reply suggesting PA was a member of "the clique" and referring to John Phillips, scumbags and drug dealers. PA replied. JC then sent the email of 24th May. Following a "rant" about his potential involvement in the Staffing Committee JC went on to say, "Your interpretation of sensitive information and my interpretation are perhaps not the same, probably very much in the same way as your view of racist, discriminatory comments and mine are different. I stand up against them whilst your continued silence suggests you condone them. I would also add that you appear to believe that your recent appointment as Chair of the Parish Council had elevated you to some kind of "Super Councillor" status, so can I just take this opportunity to bring you back to earth and remind you the Chair has no executive powers".

28th May 8:34 – This email followed up on the previous email and asked nine questions. PA found several of the questions and the aggressive tone completely unacceptable.

5th June 8:11 – This email was sent as a result of Rebecca House's decision to resign as Parish Clerk and shared an email from JC to Rebecca House. This referred pejoratively to Councillors Houghton, Phillips and Walters and referred to her having to "put up with all this rubbish". Once again the tone of the email was unacceptable.

6th June 17:17 – This email was part of JC's continuing effort to get John Phillips's "discriminatory" email onto the Parish Council agenda in face of the SDDC Monitoring Officer's and DALC's advice that it was not a Parish Council matter.

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8th June 7:31 – This email related to Paul and Joe Cullens’ efforts to find out why PA had met the SDDC Compliance Officer on 5th June and why he had not sought Full Council approval (he did not need it). The meeting (by phone) had actually been about the threat of people coming to the Parish Council Meeting from Liverpool.

JC’s email asked whether he had had a meeting with the Compliance Officer. It said, “A simple Yes or No will suffice, as long as it is an honest, Yes or No, please do not compound your mistake by giving a dishonest answer, or what little integrity/credibility that you now have, will disappear altogether”. PA did not reply for obvious reasons.

11th June 7:31 – JC followed the previous email up with one that said, “Seeing as you have not done me the courtesy of a reply to my email below, I would think that councillors will draw their own conclusions, but not answering my question speaks volumes, but to me personally it says you are a man of no integrity and no credibility, so how can anyone ever trust you again.”

4th June 23:07 – This email chain has been included to illustrate that JC had written to John Houghton in a bid to try to exclude PA from a discussion about the appointment of Claire Allen as the new Administration Officer.

25th October 2019 10.43 – This email referred to Caroline Blanksby’s election as Chair of the Carnival Committee (which has nothing to do with the Council). The unsuccessful candidate was John Houghton who had been put forward for the same role against his will. It was John’s vote that ensured that Caroline was elected! The email, sent to all councillors (including John Houghton) said (of John) “Once people see through his façade, there was only one winner, the decision was a no brainer, they will always choose champagne over plonk. Now you just have to watch your back”.

19th October 15:28 – This email is at the end of an email chain about an alleged incident involving Cllrs Ian Walters and Ros Casey outside the Council Meeting Room after a Parish Council meeting on 14th May. Its tone is offensive in particular towards the Monitoring Officer and towards Cllr Walters who already had been cleared by the Monitoring Officer when a complaint had been raised against him.

11th November 15:52 – This email was sent earlier this week. It referred to the Axis 50 Planning Application, the decision to employ a Planning Consultant and the Chair’s Update to parishioners on behalf of the Parish Council. It suggested that the Chair voted against the proposal (he was actually on holiday so could not vote and would not have supported it because it was not legal). It went on, “So, why is he trying to mislead the people of Willington, when everyone who was at the meeting, and there were quite a lot all know, that he is not being honest in his report, just trying to make himself look good, but it does not work like that when people know the truth, Everyone knows the way he voted and those people who were not at the meeting and are interested in Axis 50 have been informed by me and others the way the voting went”. He later added, “And for blatantly misleading the people of Willington I believe that he should resign”.

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As a result of the abusive, harassing and vexatious nature of the emails PA no longer replied to any of JC's emails.

LAC/86 raised by Phil Allsopp on 19th August 2019

This complaint referred to PC twice copying PA's personal email address, which is not on the Parish Council website, to someone outside the Parish Council without his permission. He had also sent disrespectful, abusive and vexatious emails over a period to time to try to force PA to resign.

This complaint had originally been put in about JC and PC and emails of this kind. However, at the 24th July Extraordinary Meeting PC had shown some vulnerability, sent an email saying that the meeting had been very positive, and things appeared to be blowing over. By 19th August, that no longer seemed to be the case and things were getting worse.

MK said that he would look separately at the question of confidentiality and the email address (see emails of 12th and 13th June involving Billy Randles) and asked PA to concentrate on the emails.

PA then shared a number of emails (though there were others) that contained the kind of vexatious and abusive language that PA was objecting to. PA said that they were intimidating and contained personal attacks on him. He said that these emails and others should be read by MK in detail to get a proper flavour of the kind of emails that were being sent by PC. MK agreed that he would do that after the conversation. PA said that, should any further emails arrive that he felt were similarly abusive and vexatious, he would forward them to MK so that he could consider them to be part of this same complaint.

5th June, 15:58 – This referred to the Chair and Vice-Chair “freelancing and failing to communicate with the wider Parish Council” and the need for PA to work “diligently all day to see what action the Parish Council could take against Councillor Johnny S Phillips for his vile racist, discriminatory comments”. This should apparently have taken precedence over the financial audit which was taking place. See the email from John Houghton to councillors at 12.41 that same afternoon.

6th June, 16.06 – This referred to the role of the Chair and Vice Chair and PC “absolutely not “wanting to understand the role of the Chairman” because I am actually “knowing the role of the Chairman”. It refers too to the “maverick manner in which you have acted in your first month in post”. This occurred at a time that PC was trying to get PA to resign.

11th June 17:09 – “Chair and Vice Chair freelancing at will, both clearly have an inability to communicate with the wider council”. Sent in response to a statement that PA met the auditor. Any councillor has the right to meet with DALC without anyone's permission. Full Parish Council approval was not required.

12th June 20:48 – The “Billy Randles” email which contains the phrase “Again all Councillors copied in, in the interest of transparency, (something that Councillors Allsopp and Houghton would do well to remember). These emails also breached confidentiality.

STANDARDS HEARING STATEMENT 01 – CLLR PHILL ALLSOPP

14th June 22:00 – An email requesting an Extraordinary Meeting, which included an attachment suggesting that “the Chair has refused to answer very open, honest and straight forward questions. Councillors Allsopp and Houghton appear to have a misconception that their role brings with it superior executive powers, which of course clearly is not the case. In order for the Council to move forward in a more harmonious manner it is of paramount importance that Council[lor]s Allsopp and Houghton have a full understanding of their roles and responsibilities”.

18th June 21:14 – This email was sent to Debra on day three of the seven days available to the Chair to consider the request for an Extraordinary Meeting. PC had taken it upon himself to prepare his own agenda and set up his own meeting. He also wrote, “I would just add that the behaviour of some Councillors and their inability to communicate is really very disappointing”.

19th June 19:45 – This email had been sent to Deb further to the 18th June email. PA saw its tone as threatening, particularly the second paragraph. This was an example of PC trying to take charge without following due process (to do otherwise does not suit him). PC was not happy that the Extraordinary Meeting would discuss other urgent matters (an item about burials, for example), which is permitted. “If you or the Chair fail to answer my perfectly reasonable questions in the email I sent out earlier today, the posted agenda ... will be taken down and replaced with the attached agenda which is specifically ... what [was] actually asked for. You will also note that the Extraordinary Meeting will now take place on Thursday 27th June”.

The meeting took place as scheduled by the Chair on Tuesday 25th June. Minute 369/19 records PA’s statement at the meeting that he would not be replying to harassing and vexatious emails.

20th June 12:14 – This email was one of a number of emails about litter near to two entrances of the old Willington Power Station. When PA joined the Council he and the then Chair, Cliff Warner, had organised a litter pick which was done under the aegis of the RAC Committee. The then clerk Jacqui Storer had sourced the necessary bags and equipment for the pick. The collected litter was picked up by SDDC the following day.

Just before the election PA did another “private” litter pick with his son. His son posted some photos of them doing the litter pick on the Spotted Willington Facebook Group (which PA was not happy about). PC responded to this on 28th May by asking for copies of risk assessments and for the exact dates of the litter picking events. [REDACTED]

[REDACTED] He was trying to “belittle” PA for not having done any risk assessment and not actually having carried out the litter picks.

PC wrote (copying in all councillors), “Now, I suspect that you haven’t forwarded the items I’ve requested as the truth is the RAC carried out no such events and your [sic] probably feeling a little embarrassed that you mislead [sic] both Councillors and members of the public at the May meeting, (of course no suggestion on my part that you do this deliberately)”. PC then continued in a similar vein. PC was accusing PA of lying. He had found this intimidating

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and had actually found some emails from Jacqui Storer which proved that the events had taken place.

There had been other emails subsequent to PA's complaint that he wanted to be considered as part of the complaint by MK and PA said that he would send other similar emails to MK as they arose for inclusion in his complaint. PA then shared two such emails.

9th October 23:19 – This email to PA was about the proposed Ivy Close development discussed at the Parish Council Meeting on 8th October and PC's disappointment at the outcome following a close vote.

PC had requested an Extraordinary Meeting (questioning the locum clerk's ability and her advice that such meetings were not exclusively for urgent business and saying that the clerk had misled the public). Requests for Extraordinary Meetings tended to happen when PC did not get his own way. The email ended with the statement, "I would also note the extreme hostility directed towards me by yourself [PA], Cllr Houghton, Cllr Carter and the Locum Clerk which I do hope will not become the norm. As I've said in the past, I will not tolerate bullying and will have no hesitation in taking those members who think this kind of behaviour is acceptable to task". PA took this statement as "a very, very clear threat". There had been no hostility and PA suggested that MK should listen to the audio to verify this.

7th November 20.19 – This email was a follow up (though emails were actually still continuing) to a series of emails about the raising of a complaint about the Locum Clerk, Debra Townsend, for holding an inquorate meeting. It showed (i) PC's unwillingness to accept the advice that the Council's complaints process was actually fit for purpose. This advice had been given to the Chair by DALC whose recent advice PC said had been "questionable". This advice did not fit his version of events; (ii) PC's desire to create the impression that he was the subject of "brutal hostility"; and (iii) his threats (solicitors etc.) and antagonism towards the Chair, the Vice Chair and the Clerk. PA had not replied to the email of 10th October because he had received confirmation from DALC that the approach taken by the Locum Clerk was legitimate so there was no complaints process to be followed because a complaint was invalid.

LAC/96 raised by Phil Allsopp on 4th October 2019

This complaint referred to an incident that took place at the Extraordinary Parish Council Meeting of 24th September. There had been several complaints about this incident, which had been captured on an audio record. The meeting was one of three or four Extraordinary Meetings that had been called by PC in recent months.

Nicky Phillips (NP) and her mother, Sue Carter (SC), were amongst around 20 parishioners who were in the public area of the meeting. After a contribution from another parishioner SC said that it was about time that the Council started to act for the benefit of the village. NP was sitting next to her mother at the front of the public area on the end of a row and there were three vacant seats next to SC. NP then read a prepared statement [which MK had a copy of] which was similarly critical of the Council but did not name particular councillors. PA did not believe that either NP or SC were trying to wind the situation up.

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At this point PC indicated that he was going to speak as a parishioner, stood up and started to speak. PA asked him to sit down but he continued speaking as he walked to the public area. He sat at the end of the row where NP and SC were sitting and berated NP and suggested that she needed to have a hard look at her husband (he did not recall what was said because he was wrapped up in bringing the meeting to order). PC's proximity, attitude, tone, body language and words were intimidating. NP replied to him and there was an exchange of words. PA then spent a few minutes trying to get the situation under control and asking both NP and PC to stop. PA felt that PC was abusive towards NP – he called her and her husband out and thus breached the code of conduct. PA thought that JC joined in too, but the recording would confirm what was actually said and by whom. Caroline Blanksby and Ros Casey stood up and applauded which did not help the situation. The audio did not really capture the tension in the room which was electric.

After that, a third parishioner, new to the village, then also said that the meetings were a “car crash” and “embarrassing” [Minute 458/19]. PA agreed with that sentiment.

LAC/103 raised by Phil Allsopp on 11th November 2019

[Note: This complaint had not been formally passed to MK at the time of the interview but was subsequently passed to him by the Monitoring Officer. It was, in any event, referred to by PA in discussion and shared informally with MK].

There was to be an RAC Committee (of which JC is a member) on 4th November at 7pm. PA had posted the agenda on the morning of Thursday 31st October. There should have been three full days between the posting and the meeting (excluding Sunday and the day of the meeting itself). JC (without apology) and Tim Bartram (apologised) did not turn up though others (Councillors Blanksby, Casey, Houghton (who was late) did as did a non-councillor Brian Davis who is also a member of the committee). A parishioner Sue Carter (mother-in-law of John Phillips) who attends almost all Parish Council and other meetings was also present. She had been attending meetings since she first arrived in the village a few years ago. She runs the Spotted Willington Facebook Group.

At 6.59pm PC arrived with a camera on a tripod and pointed it directly at PA from maybe ten or twelve feet away. PA opened the meeting for public participation. PC was allowed to participate as a parishioner, PA said, and at that point he intervened and said that the meeting had to stop immediately because the statutory notice had not been given. PC was correct though he could, of course, have given advance notice of his objection. Mindful of this PA closed the meeting and suggested an informal discussion should take place to progress matters without making any decisions. Councillors Blanksby and Casey refused to do that.

PC then turned his camera off and, with a sneer on his face, started to leave the room. As he was doing that PC walked past Sue Carter who had asked a question about noticeboards. He said, “you don't have to take any questions from her” and walked down the corridor. Sue Carter said, “I beg your pardon, who are you talking about when you say “her”?”. PC returned to the room, tapped Ros Casey on the shoulder and said, “you stay here ‘til she leaves the meeting and then report back to me what she's said”. Sue, a tough lady, then shouted down the corridor “Who are you calling she?” there was then an exchange in the corridor, though

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PA did not know what was said. PC reduced Sue to tears, and she asked PA, Brian Davis and John Houghton why they had not protected her. It happened in a flash. PA had raised a complaint about that the on 11th November.

Having been calm and quiet at meetings when PA had attended as a parishioner, PC was no longer like that. “The red mist seems to come up”. He had gone to that meeting with the intention of stopping the meeting and make PA look like a fool. Why would he point a camera at PA, a fellow councillor?

12th November Meeting [This subsequently led to Complaint LAC/107]

PA and Debra Townsend had now decided to routinely make audio recordings of meetings. Last night [12th November] JC had arrived a couple of minutes late and announced he too would record the meeting, as did certain parishioners. PA found these multiple recordings stressful.

PC sat next to PA (he did not normally do that). PA noticed a device on a sucker next to PC’s paperwork. He did not go through the same routine that they had previously where PA said that it was courteous to let others know that he was recording, and PC said that he did not have to – “it would just wind him up”.

The meeting continued and went well. PC made many notes and contributed little. Part way through the agenda Claire Carter started to look uncomfortable and kept moving her chair backwards and forwards before saying “He’s videoing me”. The device next to PC was a camera pointed at her, three feet from Claire. She said that he had been moving it and pointing it at different individuals including PA and Debra Townsend in the course of the meeting.

PA called a halt to proceedings. PC was not asked to stop filming but to move the camera so that Claire did not feel intimidated. Various suggestions were made for location of the camera so that the whole meeting could be filmed. PC refused. He said, “You can’t make me move it. I’m perfectly within my rights to leave it here and video whoever I want”. JC asked him to reposition the camera so that the meeting could continue. Meanwhile Claire had moved and had positioned herself behind the clerk so as not to be filmed. She was unwilling to sit next to PC.

PA then formally suspended the meeting for 15 minutes and said that, if PC did not reposition the camera so that Claire did not find it intimidating, then he would close the meeting. PC said that he could not do that because it was illegal. PC “simply didn’t get it”. There was much discussion about it until, with two or three of the 15 minutes left, PC relented and a friend of PC in the public area took charge of the camera. PC made a statement that he had relented to keep the meeting going but that, at the next meeting, it would be positioned where it had been and that was that because it was perfectly legal. PA’s view was that it could not be legal to focus on a single individual in that way by placing a camera three feet from their face.

The last item was about Debra Townsend’s Clerk’s Report in September. The last paragraph (18) of her report had said that if the councillors were not happy with her performance then

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she would walk away. JC had made it his business (he had emailed her) to get her to honour that and had tried to get it onto the agenda. She had refused to put it on the agenda.

Paragraph 17 was about how she had spent far more time than she should have done dealing with emails from individual councillors (the Cullens - without naming them) and that in future she would not be doing that within the 14 hours allocated to her. She had said that, in the main, the councillors were a pleasure to deal with.

JC had tried to change the agenda item to discuss her performance in exempt and wanted Debra to leave the room. He wanted to force her out. That did not happen and was, in any event, too imprecise. He was entitled to do that next month.

At the end of the meeting five councillors left leaving five remaining councillors and Debra to reconfigure the room. Claire was “visibly shaken” by what had happened and wanted to talk about it. Whilst he and Debra were talking to her PC pressed his face against the window from outside and, a few seconds later, burst into the room and asked what they were talking about. Within moments the other councillors came back into the room – “they must have been concerned about him and what he might do”. PC again made a statement saying that next month he would film as he had been doing and there was nothing anyone could do about it and the meeting would go ahead. PA confirmed that they would be seeking guidance from DALC.

John Houghton, the vice-chair, then asked PC why he was doing what he was doing. PC took his rucksack off and threw it on the chair saying, “I’ll show you why”. He unzipped the rucksack, took out a yellow folder containing the complaints that had been made against him and started throwing the complaints about. He “sees himself as the victim”. John Houghton (who has many grounds to make complaints) said he had not complained about anybody. PC replied that that was not true – he had “a mole in South Derbyshire District Council” who had told him that he had put complaints in against him. This was a clear untruth.

PA had told him that complaints had been raised against most councillors, including himself and John Houghton. The Cullens had definitely raised some complaints. Most were “made up”. PA thought that PC was starting to become worried and that his employer might find out. He and PC were the last to leave. There was discussion between them about whether the whole council should resign (which PC did not want) and PC had told PA that Sarah Walters [wife of Ian Walters and sister in law of Mark Bartram] was threatening to go to his employer. PA did not know whether this was true. PA felt that he was starting to worry and to lose his cool hence his recent behaviour.

PA then shepherded everyone out and locked up. He saw Debra off in her car and he walked Claire Carter to her car whilst John Houghton and PC continued a “debate” around 20 yards behind them. They passed Claire and Phil at her car and continued walking to an underpass where they had a conversation. John walked back and, as he did so, PC shouted something to him whereupon he went back. At this point Tim Bartram joined in and PC started to film him saying “Are you threatening me?”.

The discussion closed at 4.25pm

STANDARDS HEARING STATEMENT 02 – CONFIDENTIALITY REQUESTED

Notes:

1. The interviewee wished to maintain confidentiality and has verified the content of this redacted statement.
2. Their statement appears as that of Witness B in Report 1; Witness B in Report 2; and Witness C in Report 3.

STANDARDS HEARING STATEMENT 02 – CONFIDENTIALITY REQUESTED

SOUTH DERBYSHIRE DISTRICT COUNCIL (WILLINGTON PARISH COUNCIL) – Complaint by [REDACTED] against Cllr Paul Cullen

Summary notes of conversation between [REDACTED] and Melvin Kenyon (MK - Investigating Officer), Monday 2nd December 11.50am – [REDACTED] Also present Karen Potts (KP).

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. I myself 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 recording that you consent to this please?

[REDACTED] confirmed that [REDACTED] gave [REDACTED] consent to the recording.

For the benefit of this recording it is now Monday 2nd December 2019 at 11.50am or thereabouts and we are in [REDACTED]

For the record this is an interview with [REDACTED] about standards complaint number LAC/95 regarding [REDACTED] allegations about the conduct of Cllr Paul Cullen [PC]. Originally the complaint named another individual, [REDACTED] but the Monitoring Officer has determined that only the complaint against Paul Cullen should proceed.

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 [REDACTED]. However, this time, at least in respect of the Complainants, I will instead be producing summary notes in the interests of economy.

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, Paul 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. It is essential that Paul has a fair hearing and that gives him the opportunity to review what has been written before it is finalised. Having considered comments (and in particular comments about factual

STANDARDS HEARING STATEMENT 02 – CONFIDENTIALITY REQUESTED

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.

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.

MK asked [REDACTED] whether [REDACTED] was content with what he had said, and [REDACTED] confirmed that [REDACTED] was.

Confidentiality and Conflict at the Council

MK then said that, once he had produced his report, it would be for the Monitoring Officer to decide how she progressed the report and how she maintained anonymity and confidentiality if the Complaint were to go to a hearing, for example. Redaction of the summary note was also an option to preserve anonymity.

MK said that he himself always did 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. He then said:

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] replied that [REDACTED] had used words like “nasty”, “vindictive”, “threatening” in [REDACTED] report and that was how [REDACTED] felt about the situation and why [REDACTED] had asked for anonymity.

[REDACTED]

John Phillips’s (JP) comment in his email to PC in the summer about [REDACTED] had probably hit home somewhat because [REDACTED]

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Background

MK asked [REDACTED] about [REDACTED] background as a councillor.

[REDACTED] since JP, Sam Watters and Ian Walters had been elected to the Council [REDACTED]

[REDACTED] they had taken the place of three councillors who had resigned because they had had enough of the Cullens.

[REDACTED] The three new elected members knew very little of the Cullens,

Sometime after they were elected there had been a discussion in Council about car parking near the railway station which could bring financial benefit to the village. After long discussions JP had proposed that the Dragon pub be allowed to run it on behalf of the Council. [REDACTED] who has “something against the Dragon” had immediately objected. [REDACTED] felt that that had been the root of the Cullens’ antipathy towards JP and the other two councillors. From that point the new members were the “anti-Christ”. Exchanges of emails had followed. This had snowballed and eventually led to the email that JP had sent to PC which had been publicised in the Liverpool Echo.

MK asked [REDACTED] what the atmosphere in Council had been like in the two years [REDACTED] had attended as a member of the public. [REDACTED] replied that, at first, [REDACTED] had thought that PC was very well prepared and knowledgeable, especially procedurally, and would have brought benefit to the Council if his father had not been so argumentative.

However, [REDACTED] felt that PC thought that everybody was “out to get him” and, as a result, felt the need “to attack back”. They had managed to “get Johnny (JP)” by goading him with emails and tried to entrap Ian Walters with an altercation in the car park after a meeting,

[REDACTED] had posted on Facebook about Ian Walters. PC had accused Ian Walters’s wife Sarah, who is a paramedic, of contacting PC’s bosses and suggesting that PC was breaching his code of conduct as a fire officer. She had done nothing except perhaps mentioning in the school playground that PC needed to be careful because he had a code of conduct to stick by, but she had certainly not reported him to his employers. TB had been adamant that Sarah had reported PC and was trying to get him sacked or make him lose his job.

STANDARDS HEARING STATEMENT 02 – CONFIDENTIALITY REQUESTED

MK asked whether PC's behaviour had changed since he became aware of the complaints that had been raised against him. ■ said, yes, PC was now bringing a camera and recording every meeting from the beginning.

PC had ruined a recent RAC meeting because PC had pointed out that the agenda had been posted a day late and the Chair had closed the meeting. ■ thought that PC was trying to get the Chair to make a mistake by continuing with the meeting, but he had not. After the meeting closed PC had then had an argument with Sue Carter (mother of Nicky Phillips) and called her "she" and she had replied "Who are you calling she?".

XX had spoken to ■ the locum Clerk, and she had told him she had never seen anything as bad as this in her career as a Clerk (■ was concerned that it would be impossible to recruit another clerk if ■ were to resign).

■ things were so bad at Willington that ■ felt that SDDC should "take the Council back" and re-elect only those who were there for the good of the village. ■ did not believe that this would happen, but it needed to. There had been four clerks whom they had driven out since ■ had been attending meetings, for example. Sam Watters had stood down not long after his election because a neighbour who lived three doors away from him had made videos of him at their behest and ■ had made statements against him.

Complaint

Discussion then turned to ■ Complaint (LAC/95). MK asked ■ to go through what had happened at the Extraordinary Meeting on 24th September.

■ said that ■, PC and DT were all recording the meeting. ■ PC who was himself sitting next to DT. Nicky Phillips (NP) and her mother, Sue Carter (SC), were sitting in the public area and there were several empty seats to their left.

The Chair opened the meeting up to public speaking. SC stood up and asked why there was a need for an Extraordinary Meeting and who had called for it. The person who had called the meeting declined to let it be known they had called it. The Chair gave an explanation of why Extraordinary Meetings took place.

NP then spoke about the Clerk's report which had come out a couple of months previously and which had set out what DT thought was wrong with Willington Parish Council. ■ thought that the report was a good one and had been exactly right about the problems within the Council. It opened up to the public what DT thought was going wrong as a professional clerk.

As an aside ■ said that DT had originally been appointed (as usual) by majority vote with the Cullens and the other three voting against her coming on board. ■ was not sure why the Cullens thought it appropriate to operate without a clerk, who could provide the necessary legal advice to the Council, rather than appoint a professional like DT.

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As soon as she was appointed “they were into her”. The Cullens had bullied the previous clerk to put things on the agenda (notably in relation to John Phillips and the “Megabus” email) and she had not lasted very long. It was clear from the start that DT was different – she was very experienced and professional. Cllr Ros Casey had applied for the job of Clerk before she became a councillor and the Cullens had wanted her to be the Clerk so that they could probably manipulate her, but she did not even get an interview for the role because she did not have the necessary experience.

NP read her statement out. In summary, and without mentioning any names, she said that she found it upsetting that “certain councillors” were not working with the Clerk. The Chair then thanked her for her contribution and invited further contributions. After a short gap PC stood up and said that he would like to say something but that he would like to say it as a member of the public. ■ thought to ■ “how can you do that?”. He was a Parish Councillor at a Parish Council Meeting. He could not suddenly decide he was not a Parish Councillor and go and say something as a member of the public without breaching the Code of Conduct. ■

PC then walked out into the public section and sat down with one vacant seat between himself and SC and turned towards them. He said that once again he had had to listen to biased remarks about himself (■ thought to ■ that NP had not mentioned him at all). “I am not having it. I am being attacked by the wife of a former councillor. She needs to go home and speak to her husband and forget about it”. It was obvious in the way that he turned towards NP that he was attacking her.

The Chair (and Clerk) then said “Paul, you can’t do this, you need to sit down”. PC carried on “yawping” and then turned on Ian Walters and referred to a councillor who had got something against him and said things against him in the past to another councillor (TB). PC then stood up and returned to his seat and as he was doing so DT said “Paul, have some respect” and he replied to DT, “I’ll have some respect if you show me some respect”.

■ then stood up and “clapped like an obsessed seal”, which was why he had named her in the complaint. Joe Cullen then referred to having been verbally attacked by a mob at the previous meeting that had been present to support NP and her husband.

That night at that meeting PC had gone out into the public area and turned his body towards NP and an argument between them had ensued. NP had been quite strong in coming to the Council after what had happened between her husband and PC. The Cullens had persisted in trying to get the Parish Council to apologise for her husband’s actions even though it was a private matter at the time.

At the next meeting (on 8th October), when it came to the time to sign off the minutes of the 24th September meeting PC had said that he disagreed with the minutes (this can be found around 15 minutes into the recording of the meeting). He had demanded verbatim minutes. DT had replied that they were almost verbatim. He wanted the word “argument” taken out (even though it was clear that there had been an argument). ■ did not believe

STANDARDS HEARING STATEMENT 02 – CONFIDENTIALITY REQUESTED

that the minutes had actually been signed off [Note from MK. As at 27/12/19 the minutes appear on the Council website with the sentence about the alleged argument show in red].

The discussion about the minutes had gone on for a long time and [REDACTED] had seen members of the public shaking their heads. This kind of behaviour had turned the Parish Council meetings into a “circus”. It should be like “the Vicar of Dibley”. In fact, it was “outrageous”.

At the last meeting PC had at some point directed a video camera at Claire Carter (CC) and started to film her. It had not been declared at the start of the meeting as it should have been that filming was taking place. When CC noticed it, she asked that the meeting be stopped because she did not like being videoed (this can be found 1 hr 18 minutes into the recording of the meeting). The Chair then asked PC if he was using a camera and he said that he was and was quite within his rights to do so. The Chair did not dispute that, it was the fact that it was being pointed at an individual.

CC then moved behind PC and he changed the angle of the camera so that he could continue to film her. CC was becoming quite upset at this so DT invited her to sit behind her instead. PC was then asked to move the camera. He refused. When asked why he was recording he said, “I am doing it for my own safety”. The meeting up to that point had been a good one and even Joe Cullen asked him to move the camera so that the meeting could continue. He refused. A member of the public then offered to take the camera and PC again refused.

The Chair then said that if he did not move the camera he would suspend the meeting not because he was filming but because its position was threatening. Eventually he gave in and gave it to the member of the public who had offered to hold it.

After that meeting PC, Joe Cullen, TB, Ros Casey and Caroline Blanksby had stood outside whilst they cleared the tables away. CC was talking to DT about how upset she was with what had happened. PC then tapped on the window and pointed at everyone. As [REDACTED] [REDACTED] PC stormed back into the room and slammed a pile of complaints onto the table and shouted at Cllr John Houghton that he would not have his good name sullied. The argument continued in the street where PC had tried to film John Houghton and make out that he had attacked PC.

Apparently there had been a subsequent encounter, after this meeting, between [REDACTED] and [REDACTED] at the local gravel pits (clearly a private matter) where [REDACTED] had felt threatened. [REDACTED] had advised him to make a statement and give it to the Police. [REDACTED] did not know whether he had done that.

JH was also Chair of the Willington Carnival Committee. He did not want to continue doing that but had been nominated for the role, as had Caroline Blanksby. In fact, JH had himself voted for Caroline and she had been elected. When that happened Joe Cullen sent an email to Caroline (copying in every Parish Councillor) about John Houghton.

There had also been an altercation involving Ian Walters in the car park whom they were also trying to get off the Parish Council. It was as if they were trying to “get” every Parish

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Councillor who opposed them in turn. They appeared to be trying to gain a majority in the Council so that they were in control. They were not acting for the benefit of the village.

The discussion closed at 1.20pm.

STANDARDS HEARING STATEMENT 03 – CONFIDENTIALITY REQUESTED

Notes:

1. The interviewee wishes to maintain confidentiality and has verified the content of this redacted statement.
2. Their statement appears as that of Witness C in Report 1; and Witness B in Report 3.

STANDARDS HEARING STATEMENT 03 – CONFIDENTIALITY REQUESTED

SOUTH DERBYSHIRE DISTRICT COUNCIL (WILLINGTON PARISH COUNCIL) – Complaint by [REDACTED] against Cllr Paul Cullen

Summary notes of conversation between [REDACTED] and Melvin Kenyon (MK - Investigating Officer), Friday 10th January 11.10 am – [REDACTED] Also present Karen Potts (KP).

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. I am myself being assisted by Karen Potts who will be taking some notes and keeping me on the straight and narrow.

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

[REDACTED] confirmed that [REDACTED] consented.

For the benefit of this recording it is now Friday 10th January 2020 at 11.10am or thereabouts and we are [REDACTED]

For the record this is an interview with [REDACTED] about standards complaint number LAC/107 regarding [REDACTED] allegations about the conduct of Cllr Paul Cullen (PC).

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 verbatim transcripts of interviews for what are called the Subject Member (in this case Paul Cullen) and the Complainant (in this case [REDACTED]). However, this time, at least in your case, I won't be doing that simply because transcripts can be very time consuming and therefore costly to produce.

However, 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 recording will not be shared with anyone else without your permission and it will be destroyed once the summary has been agreed by us both.

At this stage I am intending to produce one report about the various complaints raised against Paul Cullen, though that may change when I review the evidence. Before the investigation is completed, he will be sent a copy of the report and a draft of those parts of the report relevant to [REDACTED] will be sent to [REDACTED] to enable [REDACTED] to make any representations [REDACTED] 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.

STANDARDS HEARING STATEMENT 03 – CONFIDENTIALITY REQUESTED

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.

Now 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. In this case the alleged behaviour took place at a meeting with several councillors and members of the public present and we have evidence from [REDACTED] other people already about this, so this complaint [REDACTED]

So, can we talk about confidentiality please? [REDACTED] actually said in the Complaint, “I believe that I should be kept confidential from this complaint as I already feel intimidated by this behaviour”. [REDACTED]

PC’s behaviour and anonymity

[REDACTED] replied (in some distress) that since the behaviour was continuing [REDACTED] intended to raise another complaint. [REDACTED] felt “totally intimidated” and [REDACTED] “does not know when it’s going to stop”. [REDACTED] continued, “[REDACTED] never felt like this in [REDACTED] life and [REDACTED] not believe that [REDACTED] should”.

“It’s the fact that he’s doing it [recording [REDACTED]] to intimidate [REDACTED] and to get councillors to stand down”. [REDACTED] said that PC probably already knew that [REDACTED] had complained – he had accused councillors of making complaints at Parish Council Meetings and shouted and pointed at fellow councillors. [REDACTED] did not think that knowing [REDACTED] had made a complaint would change his behaviour except that he would probably target [REDACTED] even more than he was already doing.

[REDACTED] therefore had mixed emotions about whether [REDACTED] wanted anonymity. [REDACTED] asked [REDACTED] whether his knowing [REDACTED] had complained put [REDACTED] more at risk than [REDACTED] already was. [REDACTED] did not know where he would stop. His body language, the way he points, the way he asserts himself is very aggressive.

He (mainly) and his friends on the Council wait at the door at the end of Parish Council Meetings such that [REDACTED] cannot leave meetings by [REDACTED] (and [REDACTED] was not alone in that situation, [REDACTED] said, and again became distressed). It was a horrible feeling. [REDACTED] felt intimidated [REDACTED]. A heavy ceramic plant pot had recently fallen over and smashed in [REDACTED] garden and [REDACTED] had wondered whether he had done it. Every mishap in [REDACTED] life left [REDACTED] wondering “Is it him?”. PC is “a horrible person”, “calm and calculated” in his actions and that was what scared [REDACTED] (more distress). This was how he was making [REDACTED] feel.

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There had been a discussion with the police before the recent meeting. PC had recorded the meeting and apparently uploaded the film to YouTube, apparently slating them. [REDACTED] had decided not to watch it because [REDACTED] was trying to stay calm and was trying not to get “worked up”. [REDACTED] had had a lot of health issues and [REDACTED] thought that this matter was contributing to those issues such that [REDACTED] was suffering from anxiety because of it.

[REDACTED] did not want to be filmed – the filming that related to this complaint had been very close to [REDACTED], but he had blacked out the film and thus edited it.

MK then said that, once he had produced his report, it would be for the Monitoring Officer to decide how she progressed the report and how she maintained anonymity and confidentiality if the Complaint were to go to a hearing, for example. Redaction of the summary note was also an option to preserve anonymity.

MK said that he himself always did his utmost to maintain confidentiality for all parties who had sought anonymity 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.

MK asked [REDACTED] whether [REDACTED] was content and agreed with what he had said, and [REDACTED] confirmed that [REDACTED] was.

12th November meeting

[REDACTED] took MK through what had happened at the 12th November meeting.

Councillors were sitting in an open horseshoe facing the public in “school chairs”, two to a table. [REDACTED] was sitting next to PC. The camera was not on the table at the start of the meeting and PC had not said that he was video recording though [REDACTED] accepted that it was not necessary for him to say that he was filming. [REDACTED] also understood that filming Parish Council proceedings was allowed and that there was a presumption that councillors accepted that the proceedings might be filmed.

However, PC had never filmed before, though he had made audio recordings and he had introduced the camera part way through the meeting. [REDACTED] had noticed something “out of the corner of [REDACTED] eye” and assumed he was audio recording. As the meeting progressed [REDACTED] realised it was a GoPro camera and that [REDACTED] was being filmed.

When [REDACTED] became aware of the camera it was three feet away from [REDACTED] and pointed directly at [REDACTED]. When [REDACTED] moved to “test to see if it was a camera” (the meeting was in full swing and [REDACTED] did not want to disrupt it) and to avoid the camera by pushing [REDACTED] chair back to use his body to put [REDACTED] out of shot, PC moved the camera in order to “capture” [REDACTED] and continue filming [REDACTED]. He did this several times. This was absolutely disruptive to the meeting. [REDACTED] to find that the camera was pointing at [REDACTED] and [REDACTED] alone was “intimidating”.

STANDARDS HEARING STATEMENT 03 – CONFIDENTIALITY REQUESTED

It was at this point that [REDACTED] raised it at the meeting. PC's reply was to say that "he was entitled to do it and he will do it". He was not willing to stop filming. Because this was the first time the Chair had experienced this at a meeting he suspended the meeting. They "had a discussion and tried to calm him down" and asked him to position the camera in the audience but "he wouldn't do it".

This made [REDACTED] feel "scared, totally intimidated that someone wants to do that and make [REDACTED] on edge, the heart's racing". PC's refusal to say why he was doing it and pointing it at [REDACTED] alone simply made matters worse. [REDACTED] again became distressed and said that his calmness, the premeditation that he had in everything that he said was "chilling". [REDACTED] in some distress said that [REDACTED] "was frightened of him".

The Clerk is very experienced, fantastic. The Council could not have functioned without [REDACTED] these past few months. Without [REDACTED] the Parish Council would not exist at present. The Clerk said that PC was being intimidating and that his behaviour was unacceptable. He was "not interested" in that view.

Everything he did was premeditated so he must have known the effect that his behaviour would have on [REDACTED]. "Every time the Chair makes a statement he has an answer. He's absolutely with it at a scary, scary rate. There's no thinking. He's immediately got that answer. He knows what he can get away with and knows what he cannot get away with".

Eventually PC was persuaded to move the camera and someone in the audience held it instead. [REDACTED] moved and sat in the opposite corner near the Clerk. The meeting then continued.

[REDACTED] did not know where this kind of behaviour was going to stop and that was [REDACTED] real concern. On the face of it, putting a camera next to someone was a trivial matter but [REDACTED] found it very intimidating.

[REDACTED]

What kept going around in [REDACTED] head was that, as a professional, [REDACTED] had a duty to act in a certain way regardless of whether [REDACTED] was at work or not. Then, as a Parish Councillor, [REDACTED] had to abide by the Code of Conduct. [REDACTED] also understood that, as a fire officer, he had a code of conduct to follow. After a recent Parish Meeting he came back into the hall and started shouting at [REDACTED] and the Clerk and putting his face close to [REDACTED]. He had said he knew that he could not get away with doing what he was doing at work. His behaviour was "not normal". [REDACTED] felt that an individual councillor filming individual councillors for his/her own use was very different to filming that was carried out by a council to capture the proceedings of a meeting. You could argue, for example, that there was no reason for anyone else to film if the proceedings were being formally captured on film by the council.

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Subsequent meetings

PC's intimidatory behaviour was continuing. At the Parish Council Meeting on 10th December PC brought the same camera and directed it at [REDACTED] and one or two other councillors in the same shot. PC was asked to move the camera to a place where it captured the whole Council rather than positioning it in a way that was intimidatory to a small number of councillors. The Council understood that there was a right to film but not in the way that he was doing it. He refused to move the camera but would not give an explanation as to why. They had asked him for an explanation many times but there had never been an answer. As a result, there was a vote. The meeting was at first suspended and eventually brought to an end. No Council business was completed.

An Extraordinary Council Meeting was then called for 19th December by the Cullens to address the original agenda items. On this occasion "they turned up with three cameras". When [REDACTED] arrived, PC was already seated and had a new camera in front of him. The camera he had used on 12th November was in front of Caroline Blanksby, who was filming Claire Carter, John Houghton and Ian Walters. [REDACTED] thought that John was unconcerned about being filmed though he was supportive of how [REDACTED] felt. Ian did not want to be filmed but was not as strong in his opposition to it as [REDACTED] was. He too was supportive of how [REDACTED] felt.

Joe Cullen was filming using an iPad, which was pointing at the Chair. Once again they were asked to move the cameras. They refused and denied that the cameras belonged to PC, even though the camera in front of Caroline had been used by PC on 12th November and 10th December and they had seen him put it in front of her. There was another vote to cancel the meeting, there were two abstentions and the vote was lost. The Chair, Claire Carter and Ian Walters left the meeting and the Vice-Chair continued with the meeting.

Videos tended to appear on YouTube [MK reviewed the video of the December 10th Meeting which was posted the following day under the aegis of "Umbrella News Now Derby". PC was clearly being directed by a member of the public who continued to intervene during the meeting. The most recent comment from "Big Blerk" said "Intimidated by being videoed in a public meetin.... FFS do they ever leave their houses and walk the streets. The UK has the most CCTV in Europe". There were similar comments in a similar vein].

Parish Council and Willington Background

[REDACTED]

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.

STANDARDS HEARING STATEMENT 04 – CLLR IAN WALTERS

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 8th 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?”

STANDARDS HEARING STATEMENT 04 – CLLR IAN WALTERS

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 30th 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 12th November 2019

It was alleged that filming by PC at the Ordinary Parish Council Meeting of 12th 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.

STANDARDS HEARING STATEMENT 04 – CLLR IAN WALTERS

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”.

STANDARDS HEARING STATEMENT 04 – CLLR IAN WALTERS

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

At the Extraordinary Parish Council Meeting on 24th 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 4th 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 4th 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

STANDARDS HEARING STATEMENT 04 – CLLR IAN WALTERS

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

STANDARDS HEARING STATEMENT 05 – CONFIDENTIALITY REQUESTED

Notes:

1. The interviewee wished to maintain confidentiality and has verified the content of this redacted statement.
2. Extracts from their statement appear as those of Witness E in Report 1.

STANDARDS HEARING STATEMENT 05 – CONFIDENTIALITY REQUESTED

SOUTH DERBYSHIRE DISTRICT COUNCIL (WILLINGTON PARISH COUNCIL) –

Complaint by [REDACTED] against [REDACTED]

Summary notes of conversation between [REDACTED] and Melvin Kenyon (MK - Investigating Officer), Wednesday 4th December 11.40am – [REDACTED] Willington. Also present Karen Potts (KP).

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. I myself 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?

[REDACTED] then confirmed that [REDACTED] gave [REDACTED] consent to the recording.

For the benefit of this recording it is now Wednesday 4th December at 11.40 am and we are in [REDACTED] Willington. This is an interview with [REDACTED] about standards complaint number LAC/81 dated 15th July regarding [REDACTED] allegations about the conduct of [REDACTED]

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 [REDACTED] and the Complainant (in this case yourself [REDACTED]). 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 the Subject Member. 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.

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

STANDARDS HEARING STATEMENT 05 – CONFIDENTIALITY REQUESTED

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 about councillors 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. This is something you asked for when completing the Complaint Form.

Clearly natural justice dictates that [REDACTED] has a right to know about the nature of the complaints made against him. Some of the complaints, perhaps like this one, are very specific and it is likely that he will be able to draw his own conclusions even if complainants insist on anonymity.

Having completed the preamble, MK asked [REDACTED] about [REDACTED] thoughts on confidentiality.

[REDACTED]

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 [REDACTED] 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.

MK asked [REDACTED] whether [REDACTED] was content with what he had said, and [REDACTED] confirmed that [REDACTED] was.

Complaint

[REDACTED]

STANDARDS HEARING STATEMENT 05 – CONFIDENTIALITY REQUESTED

PAGE REDACTED

STANDARDS HEARING STATEMENT 05 – CONFIDENTIALITY REQUESTED

[REDACTED]

Council Meetings

On 10th September the Clerk presented her report about the way in which the Parish Council functioned and made a number of observations and recommendations. It was clear, straightforward and fair and described the difficulties the clerk was having being bombarded with emails. Joe Cullen challenged the clerk on the contents of the report. It was decided that this was not the time to discuss it.

At the 24th September Parish Council Meeting Nicky Phillips made a statement about the report [REDACTED] Sue Carter was sitting beside Nicky Phillips and there were two empty chairs next to her on the other side. Paul Cullen (PC), who was sitting at the table at the end of the room where the councillors were sitting, “stormed up” saying he was no longer a councillor but was now a member of the public. He stood at the end of the row of chairs with two chairs between him and where Sue Carter was sitting. He did not look at Nicky or Sue though his body was angled towards them. He did not name Nicky but talked about the wife of a councillor who had resigned. Everyone knew who he was talking about. It was “totally, totally inappropriate”. Paul “got so close that to Nicky and Sue

[REDACTED] He was “angry”, and his body language showed that.

Nicky said little in response except to state how she felt. It was reported in the minutes that there had been “an argument” but there had been no argument.

[REDACTED] felt that PC had chosen to present himself as a parishioner to give himself the freedom to behave like that. He had done it once before though [REDACTED] could not recall when.

[REDACTED]

More recently [REDACTED] had gone to a Parish Council meeting [on 12th November] but had arrived late. Towards the end of the meeting Claire Carter suddenly said to PC “You’re videoing me”. She was really upset about it. Mark Bartram had also quietly suggested to [REDACTED] that PC was also videoing [REDACTED] though [REDACTED] was unconcerned. JC had asked PC to reposition the camera because the Chair had said that otherwise he would close the meeting. For around ten minutes Paul refused. Eventually a member of the public, a friend of theirs, agreed to hold the camera. PC was sitting on the “right side” when he normally sat on the left.

[REDACTED]

STANDARDS HEARING STATEMENT 05 – CONFIDENTIALITY REQUESTED

[REDACTED]

They had “got rid of” four parish clerks. [REDACTED] had seen how [REDACTED] spoke to [REDACTED] (MK needed to speak to at least one of the clerks to better understand what had happened). [REDACTED] [REDACTED] On 10th April 2018 [REDACTED] was aware that [REDACTED] was being bullied at the meeting. [REDACTED] said [REDACTED] was not doing her job properly and went on to ask about her pension and why did she have so much holiday. At the end of that month [REDACTED] resigned. [REDACTED] followed her. [REDACTED] had thought she could take them on, but she could not. [REDACTED] who followed her, lasted only a few months.

[REDACTED]

[REDACTED] was upset about how the clerks, who were employees, had been treated. They were not respected by [REDACTED] If that happened in a normal place of work there would be real trouble. They could be “destroying somebody’s spirit” by behaving like this.

At a meeting in December 2017 Sue Carter had suggested that all councillors should have nameplates so that the few members of the public who attended the meetings could recognise them. [REDACTED] made it very clear that he would never have a nameplate, or his photo taken for the parish website. Nothing was to be shared in any way. Yet he was very happy to have his photo appear in the Liverpool Echo.

[REDACTED]

Other matters

[REDACTED]

The discussion closed at 12.45am

STANDARDS HEARING STATEMENT 06 – CONFIDENTIALITY REQUESTED

Notes:

1. The interviewee wishes to maintain confidentiality and has verified the content of this redacted statement.
2. Their statement appears as that of Witness F in Report 1.

STANDARDS HEARING STATEMENT 06 – CONFIDENTIALITY REQUESTED

SOUTH DERBYSHIRE DISTRICT COUNCIL (WILLINGTON PARISH COUNCIL) – Complaint LAC/77 (and supplementary letter of 25th September) by [REDACTED] [REDACTED] against Cllr Paul Cullen and Cllr [REDACTED]

Summary notes of conversation between [REDACTED] and Melvin Kenyon (MK - Investigating Officer), Friday 15th November 2019, 1.30pm – [REDACTED] Willington. Also present Karen Potts (KP).

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. I am myself being assisted today by Karen Potts who will be taking some 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? I will explain why in a few moments. Could you confirm for the record that you consent to this please?

[REDACTED] gave [REDACTED] consent to the interview being recorded.

For the benefit of this recording it is now Friday 15th November at 1.30pm or thereabouts and we are [REDACTED] Willington.

This is an interview with [REDACTED] about standards complaint number LAC/77 dated 24th June regarding [REDACTED] allegations about the conduct of Cllrs Paul Cullen and [REDACTED] and a follow-up letter from [REDACTED] to the Monitoring Officer dated 25th September regarding [REDACTED] allegations about the conduct of Cllr Paul Cullen.

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 Paul Cullen and [REDACTED]) and the Complainant (you). However, this time, at least in the case of the Complainants, I won't be doing that simply because transcripts can be very time consuming and therefore costly to produce.

However, 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 recording will not be shared with anyone else without your permission and it will be destroyed once the summary has been agreed by us both.

At this stage (though this may change in the light of the progress of the Investigation) I am intending to produce a single report about the various complaints raised against Paul Cullen and one for [REDACTED]. Before the investigation is completed, they will be sent a copy of their reports and a draft of those parts of the report relevant to you will be sent to you to

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enable you all to make any representations you consider necessary. Having considered comments on the draft reports, I will then issue my final reports. Parts of what we say today may be included in the draft and final reports.

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.

Now before we go any further I want to talk about confidentiality and the practicality of you remaining anonymous once the report is produced. In your Complaint LAC/77 you stated “I would like my details to be kept confidential for fear of being victimised by [REDACTED] and Paul Cullen. [REDACTED]

I will do my utmost to preserve confidentiality during the Investigation. However, once my report has been issued it will then be the responsibility of the Monitoring Officer to do what she can to preserve confidentiality, for example if the Complaint were to progress to a Standards Hearing. If you have any concerns about confidentiality at that point I suggest you speak to the Monitoring Officer.

Clearly natural justice dictates that [REDACTED] and Paul Cullen have a right to a fair investigation and to know about the nature of the complaints made against them. Some of the complaints are very specific and it is likely that they will be able to draw their own conclusions even if complainants insist on anonymity. By contrast, your letter refers to the Willington Parish Council Meeting on 24th September at which several members of the public were present [REDACTED]

Are you content that you understand the situation?

[REDACTED] confirmed that [REDACTED] understood.

Context

[REDACTED] said that [REDACTED] had lived always lived in South Derbyshire and had lived in Willington for around [REDACTED] years. [REDACTED]

Complaint

[REDACTED] said that [REDACTED] would prepare a file of information and arrange for it to be passed to MK after the conversation. [The page numbers in the text below refer to that file of information which was passed in confidence to MK some days later].

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█████ regarded Paul Cullen (PC) and Joe Cullen (JC) as having breached the Code of Conduct by behaving in a “bullying and intimidatory” manner; in a way that a reasonable person would regard as “disrespectful”; and in a way that conferred advantage/disadvantage on particular individuals. █████ said that █████ had also sent information separately to the Monitoring Officer about breaches of the Social Media Policy and disclosure of confidential information. █████ then explained why █████ considered PC and JC were in breach of the policy.

JC had sent an email to various people on 6th May [p6] referring to an email █████ John Phillips (JP), had sent to PC and other councillors on 4th May “suggesting that all people from Liverpool are scumbags and drug dealers” (according to JC).

JC had apparently shared his own email widely but had not shared it with █████. A copy had actually been forwarded to █████ by a concerned resident. JC had urged recipients of his own email to forward JP’s 4th May email more widely since JP had said in his own email that it was “a public service broadcast”. █████ believed that that was inciting hatred towards the Phillips family in the village.

JP’s “Megabus” email of 4th May had arisen out of an email exchange about a car boot sale [p2 – 5] between JP and PC that started on 23rd April with an email from JP. This was then moved on to a discussion about a bouncy castle at the Dragon pub by PC on 4th May (the Cullens “have a thing about the Dragon”). The email exchange escalated over the course of 4th May and culminated in JP’s “Megabus” email that same evening which had mentioned “scumbags and drug dealers”.

On 6th May [p7 & 8] JC made three Facebook posts on (i) Liverpool Echo News (two posts) and (ii) Spotted in Liverpool referring to a “vendetta” against him and PC and describing his (JC’s) version of what had happened. The posts invited Liverpoolians to support him and PC by contacting JP on his parish council email address. █████ believed that this had incited hatred and was in breach of the Parish Council’s Social Media Policy. It also contained a number of untruths.

A subsequent email on 10th May from PC to JP (copying in other councillors) referred to JP’s “racist bigoted” views. It also made derogatory references to councillors Ian Walters and John Houghton. It said that PC had shared the “Megabus” email with Derbyshire and Merseyside Police and the press (including the Liverpool Echo) as well as friends and family from Liverpool [p8/9].

JC had also sent another email [p9 -11], dated 11th May, to Parish Councillors which he reserved the right to share it more widely at his discretion. It accused JP of racism, quoted from HR policies at his employer, █████, and suggested that he might be sending an email to the Daily Mail, the Daily Mirror, the Liverpool Echo and the Derby Telegraph. He included the proposed text of the email to the press in his 11th May email.

All this then led (█████ said) to six unfair, defamatory, one-sided articles in the Liverpool Echo and Derbyshire Telegraph that contained photographs of PC and JC (in their Everton shirts) and a photograph of JP that had been taken from an election leaflet. The publication

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of these articles attracted abusive emails to JP by individuals who had seen the articles. Abusive comments (some of which were threatening, one mentioned a house brick, for example) were made on the Liverpool Echo website. Some of these were subsequently moderated [p15 -39].

In [REDACTED] view there had been a concerted attempt by the Cullens to incite hatred and violence against the Phillips family. In one of the articles PC had been quoted as saying, “A lot of people I have spoken to – including members of my family – are really upset by what he said and that so far nothing has been done about it. It looks like there will be some people from Liverpool coming to the next meeting, on June 11th, who will want to very clearly ask some questions of Cllr Philips – some of my friends and family definitely want to challenge him”. [REDACTED] regarded this as being very threatening. It then added that PC had said, “those in attendance will be well mannered and will behave correctly”. [REDACTED] regarded this as being very threatening.

[REDACTED]

In January 2018 JC had stated that he did not want his photo to be published but had had no compunction in sharing JP’s photo with the newspapers [p38]. If his photo was published, JC had said, he would report the matter to the Monitoring Officer and the ICO.

Derbyshire Police (quoted in Derbyshire Live on 11th June) declined to investigate the matter and said, “The statement, while unpleasant, is not classed as a hate crime under current legal definitions” [p35 -37].

[REDACTED] said that this had been an awful, distressing time for the Phillips family (they were on holiday when much of this happened). JP quickly resigned his position as a councillor and PC was reported in the press as saying that “Although it was absolutely the right thing for him to do, it is somewhat disappointing that he perceives himself as being the victim in this sorry saga, stating that the reason for his resignation was safety concerns for his family, following a recent newspaper article” [p36]. [REDACTED] commented, “What else did PC expect him to do?”

On 4th June JC had also threatened [REDACTED] by saying that “If you keep removing my post then you leave me with no choice but to send the article to [REDACTED] (JP’s employer) [p26]. [REDACTED]

[REDACTED] JC had himself removed his own 4th June post very quickly - perhaps because he suddenly realised he ought not to have written it? However, [REDACTED] had by then taken a photograph of the post before it was removed.

On 2nd June JC had sent an email to JP at his place of employment copying in several councillors referring to Liverpool FC’s victory in Madrid and suggesting that Megabuses might take them home to Liverpool [p12]. [REDACTED] considered this to be harassment.

STANDARDS HEARING STATEMENT 06 – CONFIDENTIALITY REQUESTED

PC had tried to get the matter included on the Parish Council agenda. On 3rd June PC had sent an email to the then Clerk [REDACTED] saying, "...I will view any such move to restrict or veto my request to have this item discussed at Full Council as sympathetic support to Councillor Johnny S Phillips's extreme views". In an email earlier that day the Clerk had quoted legal advice obtained from DALC and advised that the matter was not the business of the Parish Council [p13]. Subsequent to PC's email the Clerk had received what she considered to be a threatening email from a "Scott Glover" that same evening and had immediately resigned [p21].

On 3rd June JC had walked past the Phillips's family home gesturing as captured on CCTV [p18]. Apparently he had also walked past other councillors' homes. [REDACTED] saw this as intimidatory.

After JP's resignation the intimidation had been ongoing. There had then been efforts to remove JP from his role as Chair on the Neighbourhood Development Plan (NDP) which is supported by the Parish Council. JP had since stepped away from the NDP.

There had also been persistent and continuing efforts to get an item onto the Parish Council agenda (e.g. at 11th June meeting) to try to get the Council to apologise for JP's behaviour even though it was now a private matter because he had resigned. This had been minuted (346/19). These efforts had, however, continued. Things were now, however, quieter (except in that respect) now that JP's Willington Parish Council email had been closed down.

[REDACTED] summarised by saying that it felt like the Cullens "could do and say whatever they wanted" without any sanction.

Letter

Whilst a formal complaint form had not been completed MK had been asked by the Monitoring Officer to treat [REDACTED] letter of 25th September as a formal complaint.

The letter first referred to the Extraordinary Parish Council Meeting on 24th July. [REDACTED] had not been at the meeting but understood that "Councillor Paul Cullen referred to Nicky Phillips in his address to the Council and the public who were in attendance. It is [REDACTED] understanding that he switched from being a "councillor" to "a member of the public" to make this statement in the public speaking part. Nicky Phillips was extremely distressed to find out that she was being talked about in such a way with no knowledge". The minute of his statement read, "Cllr P Cullen spoke as a member of the public and responded to comments made at a previous Council Meeting in regard to personal behaviour" [p40]. [REDACTED] did not know what had been said (though others may know) nor did [REDACTED] believe that the meeting had been recorded.

Turning next to the Extraordinary Parish Council Meeting on 24th September [REDACTED] suggested that MK should listen to the recording of the meeting. MK said that he had already heard it but would revisit it.

[REDACTED] said that the Clerk had made a report at the previous Council Meeting and Nicky Phillips spoken in support of that report. She made no personal comments about anyone.

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█████ felt strongly about the need to support the Clerk because the Clerk had stood up publicly “to tell it like it is”. MK asked whether Nicky had gone along simply to “wind up” PC. █████ said she had not. █████ had not expected the response Nicky got from him because he had never reacted like that previously.

Nicky’s words were read out verbatim as follows [p41]:

“I was at the last parish council meeting and heard first hand the clerk’s report. The following valid points were put forward by the clerk:

- *The clerk is there to assist the council to move forward in a positive way. I can only see this as a good thing.*
- *Worryingly, there has been a high turnover of clerks. I think this needs examining as to why.*
- *The council is not functioning effectively. Positive outcomes are difficult to achieve. Not always working for the benefit of the residents. If councillors aren’t working for the benefit of the parish and working against the clerk and other councillors I would like to know what is their agenda?*
- *I was saddened to hear that the clerk has not been treated in the best way by some councillors. I think we owe the clerk a debt of gratitude for the work she has put into this report and how she wants to assist the council to move forward for the ultimate benefit of all parishioners. I now would like to see how this meeting proposes to take on board what the clerk, in good faith, has said and carry out their responsibilities as councillors so that they are ALL working for the good of Willington”*

After Nicky spoke the Chair asked if anyone else had anything to say before he closed the public-speaking section of the agenda.

PC then jumped up from where he was sitting and said that he was going to be speaking as a parishioner, a member of the public. He then came down to where Nicky and her mother were sitting on the front row of the public area. He sat (or possibly stood?) very close but a couple of seats away from Nicky. He then verbally “went on about Nicky”. █████ intimidated because he was physically close to Nicky and was talking about her though he did not mention her by name and did not really look at her.

He said something like “She needs to go back home and speak to her husband” and Nicky was “consistently speaking about him”. Nicky challenged PC and asked him what he meant by “consistently” (because Nicky had not spoken “consistently” about him in a public way).

PC then carried on talking about Nicky. The Chair and the Clerk tried to stop him, and Nicky appealed to them and said it was a personal attack on her and that public speaking was supposed to be linked to the agenda. What he was saying was unfair in a public meeting. However, PC carried on talking even though he had been asked to stop.

MK asked █████ what PC’s demeanour and gestures were like when he spoke. █████ replied that he was “angry”. He had drawn on what he said at the July 24th Meeting and appeared to be speaking unplanned. Maybe three other councillors, including Cllr Caroline Blanksby,

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stood up and clapped PC and that [REDACTED] It felt like they were “ganging up” on Nicky.

[REDACTED] felt upset by what PC had said in such a public way. Nicky had not deserved it. His use of the word “consistently” had also upset [REDACTED] because he was giving the impression that Nicky had made accusations on several previous occasions when she had not.

It felt to [REDACTED] as if PC could do whatever he wanted to do. [REDACTED] could not understand how PC could suddenly jump into the role of a parishioner and say whatever he wanted to say. It did not feel fair that Nicky was being talked about in such a public way and in breach of the code of conduct.

[REDACTED] had not attended a meeting since that meeting [REDACTED] Nicky had spoken about PC at an earlier meeting on 25th June [p.40] when she saw that JP was to be the subject of an agenda item – a complaint about a member of the public. This was the only time Nicky had spoken about the Cullens at a public meeting. She had said the following:

As a result of the decision by Paul Cullen and Joe Cullen to publicise a wholly one sided version of what was quoted as a “tense exchange”, including posting false, defamatory statements in regional media and sending vexatious emails to people in our village, my family has faced six weeks of abuse and threats of violence against us and our home.

Paul Cullen has shown no remorse that following his decision to create these articles that threats had been made not only to my family’s safety and our property, but also the personal safety of the previous clerk who was forced to resign. His final reported comments following my husband’s resignation from this council were “It is somewhat disappointing that the reason he states for his resignation was safety concerns for his family”.

I would like to ask Paul Cullen what sort of serious an incident [sic] would he have liked to have seen where he would not have been (again in his words) “somewhat disappointed”?

PC did not respond to Nicky at this meeting.

In summary this had been very upsetting for the Phillips family. The Cullens’ behaviour went wider than their family and had gone on for several years.

[REDACTED]

As far as the Parish Council was concerned clerks had been bullied. Other current and former councillors had also been bullied. This had not been a simple clash of personalities between [REDACTED] and PC. For context [REDACTED] suggested that MK should also speak to the previous four or five clerks, to former councillors [REDACTED] (who had resigned because of behaviour at the Council), [REDACTED] (a previous Chair), [REDACTED] (a current councillor).

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In response to a question from [REDACTED], MK explained that the more individuals he had to speak to the longer the work would take. There was also a lot of information that MK needed to review including recordings of Council Meetings. The final reports would not be issued until all the interviews had been completed. That was likely to be during the first three months of 2020.

The discussion closed at 2.46 pm.

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.

STANDARDS HEARING STATEMENT 07 – DEB TOWNSEND (CLERK)

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.

STANDARDS HEARING STATEMENT 07 – DEB TOWNSEND (CLERK)

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]

STANDARDS HEARING STATEMENT 07 – DEB TOWNSEND (CLERK)

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STANDARDS HEARING STATEMENT 07 – DEB TOWNSEND (CLERK)

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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

STANDARDS HEARING STATEMENT 07 – DEB TOWNSEND (CLERK)

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.

STANDARDS HEARING STATEMENT 07 – DEB TOWNSEND (CLERK)

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.

STANDARDS HEARING STATEMENT 07 – DEB TOWNSEND (CLERK)

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

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Notes:

1. Paul Cullen declined to sign this statement (a verbatim transcript) off as accurate. The audio record has therefore been retained so that it can be referred to as the primary source should questions be raised about the accuracy of the text.
2. Whenever I referred to the text of this statement in the Reports I went back to the original audio version in the interests of absolute accuracy. If the reader identifies any differences between the text in the Reports and the text in this statement the reader should rely on the text of the Report as the accurate version.

STANDARDS HEARING STATEMENT 08 – CLLR PAUL CULLEN

SOUTH DERBYSHIRE DISTRICT COUNCIL – Complaints raised against Councillor Paul Cullen of Willington Parish

Sunday 8th March 2020, 9am – Donington Manor Hotel, Castle Donington

Transcript notes of conversation between Cllr Paul Cullen (PC) and Melvin Kenyon (MK) Investigating Officer and Karen Potts (KP) Associate

Formal preamble

MK read the following preamble:

Good morning.

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 have a formal preamble which I must read out verbatim. This preamble will be recorded. I will then ask you, Cllr Cullen, to confirm that you are content for the recording to continue once the preamble is completed.

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 myself am being assisted by Karen Potts who will be taking notes and may ask some questions of his/her own or prompt me if I forget something.

For the benefit of this recording it is now Sunday 8th March at 9am or thereabouts and we are in the Hastings Room of the Donington Manor Hotel in Castle Donington.

Also present is Cllr Paul Cullen of Willington Parish Council, the Subject Member, who is accompanied by a work colleague Mr Richard Stevens who is here solely as an observer.

For the record this is an interview with Cllr Cullen about standards complaint numbers LAC/107, LAC/94, LAC/95, LAC/96, a letter appended to LAC/77, LAC/103, LAC/105 and LAC/86. These complaints were made by various individuals in Willington who have asked to remain anonymous and they relate to Cllr Cullen's conduct as a Parish Councillor there.

I want to be clear before we start that this is an interview. It is not a "trial". I am not a "prosecutor". I am an independent, objective investigator here to gather evidence and to put to you, allegations made by others.

It is my normal practice to make an audio recording of the interview for the sake of accuracy and efficiency and I would like to do that in this case. I will explain why in a

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few moments. I will not be making a video recording of the interview and I will not permit a video recording to be made by you.

Could you first confirm for the record that you understand that there is to be no video recording of the interview?

PC – I understand but can I just ask under what legislation is it you refer to?

MK – It's just that I don't want to be recorded and neither does Karen. It's as simple as that.

PC - OK

MK - Could you next confirm for the record that you consent to the audio recording of the interview?

PC – I do indeed

MK - Thank you. The recording will therefore continue.

Once the interview concludes I will use the audio recording to produce a verbatim transcript of the interview. The transcript will be sent to you for your agreement that it is an accurate record of what was said before it is finalised, and that transcript will then form the record of the interview.

The recording will not be shared without your permission with anyone beyond those who have a direct interest in the investigation (including the Monitoring Officer and the Standards Committee, if a hearing is necessary) and I will destroy my copy of the recording once the Investigation is complete.

I am content to share a copy of the recording with you, as Subject Member or alternatively you are entitled to make your own recording of the proceedings, which he is doing.

Please confirm whether you would like a copy of the recording.

Please note that you must keep any recording confidential and it must not be published in any form. For the record we insist on the confidentiality of the Investigation and we do not agree to publication of the recording or of any documents relating to the Investigation without our express permission.

Once I have completed my interviewing, I will produce one or more reports. By that, I mean that there are several complaints, so there may be more than one report. Before any report is finalised, I will first share it with the Monitoring Officer so that she can satisfy herself that the Investigation and report have been thorough and of an appropriate standard and quality. The report will then be sent to you and to the

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Complainants for comment and to enable you to make any representations you consider necessary.

Having considered comments and representations on the draft reports, I will then issue my final reports. Please note that I am under no obligation to incorporate such comments or representations into the final report. Note too that parts of what we say today may be included in the draft and final reports.

If the case is considered at a hearing, the summary of what you say and what I say, of course, 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.

To repeat, please treat information provided to you during the course of this Investigation as confidential.

Do you agree to what has been said and to abide by the restrictions regarding confidentiality and audio and video recording?

PC – Can I just clarify, statements surrounding disclosure to third parties? Is that whilst you're investigating? So, a conclusion of your investigation, am I at liberty to share that?

MK – I think it depends on what the outcome is. If this were to go to a Standards Hearing, then it is my understanding; you would have to confirm it with the Monitoring Officer these become public anyway. These hearings are held in public. Therefore, I guess because they are held in public, they are public. Is that OK?

PC – Yes. I just have one question. I take it that we've started, and I take it that we are about to get into the nitty gritty.

MK – Yes.

PC – I just want to be clear about one thing. I don't believe I am in any mental state to be here today and that is supported by a doctors' letter and occupational health report and I'm undergoing counselling, at the moment. The only reason I am here today is that I feel that I've been pressurised to be here in order to defend the allegations that have been put forward against me. I'm happy to share the doctors' letter with you but I'm not happy to share the occupational health report.

MK – It's entirely up to you Paul if you continue with it.

PC – So my question would be, and I get that. I'm happy to be, I want to be, engaged in the process but when I'm deemed by, a medical practitioner, that I am in the right

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place to do so. Now it is my understanding that if we hadn't met by next Friday, you would have carried on and concluded your investigation.

MK – I have been commissioned to write a report. You don't have to talk to me today. There is nobody forcing you to talk to me today. I would still write the report and I would send it you for your comment. It won't surprise you to learn there are occasions when we do these investigations and people just refuse, that's it they just won't talk to you. That can't bring the investigation to an end. It just can't. Does that make sense?

PC – I completely understand that. I just want to re-iterate, and I hope that this will be captured somewhere that I absolutely want to be involved in the process of clearing my name. It's just that at this given point in time, supported by medical evidence I'm not in the right, mental, frame of mind to do so.

MK – Well would you rather that this did not continue? I will still write the report, as I've said, and it will still come to you and I am happy to reflect what you have said in that report.

PC – If you are still of the mindset to continue with writing your report, then I'm content, I think that's probably as much as it will get. I want to be involved, whether that's this week, next week, next month or in six months' time. I just don't feel that I'm mentally in the right place to be able to do so today but if you want to continue with the investigation, then I will remain here today.

MK – I have no alternative to carry on because I can't put it on hold for six months, twelve months, eighteen months.

PC – I mean, I don't know, can you? That would be my question.

MK – I don't think so. I can clearly check with the Monitoring Officer but I imagine she would say this just needs resolving because, if I might say so, there are other people who are apparently suffering from this situation and therefore for the benefit of everybody it needs to be concluded. We cannot force you to talk to us and if you do talk to us then what you say to us will be reflected in the report. If you'd rather not talk to us, for absolute clarity, then I can't reflect what you say in the report and therefore I have to write it without your input at that point. If you want to take a few minutes to think about it, that's fine with me.

PC – no, I understand what you're saying. Can I just pick up on your point that there are clearly a number of people who are affected. But I'm the person sat here in front of you now.

MK – correct.

PC – Saying that I have you know, a letter here.

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MK – Do you want me to have a look at it?

PC – It depends, what I would want from today, is, for you know, you said you can consider it and you said that you can ask the Monitoring Officer but you believe she would be of the opinion that she would like this concluding.

MK – That is my understanding, but I will ask her.

PC – Are you able to ask that question now?

MK – No, I wouldn't know how to get hold of her.

PC – And this is the problem with the whole process because she would not speak to me. And this needs capturing in the recording that the Monitoring Officer, Ardip Kaur, despite numerous attempts, to speak to her by telephone will not speak to me. I would gladly have asked her that very same question because my understanding is that she has given you autonomy to conduct this investigation and you have the autonomy to make those decisions, and that would be my view.

MK - She has asked me to complete the.....

PC – I don't think I can continue, I'm sorry. Can we adjourn or can we

MK – Of course, we can do whatever you want Paul. Do you want to adjourn? Do you want to go and have a walk round or something? Go to the car park or some such?

PC got up and began to pack his bag

PC – This isn't just today, I can assure you. This is what my life has been like since the Mega Bus thing.

PC paused to collect himself together

PC – I just need some time

MK – That's fine, do what you need to do

PC – This isn't pleasant.

MK – It isn't pleasant for us Paul.

PC made his way to the meeting room door with his mobile phone

PC – There's nothing left on [meaning the recording device]

MK – Ours will be left on

PC left the room fifteen minutes after the start of the meeting and returned five minutes later and apologised.

KP – Are you OK?

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PC – Yes, I'm sorry.

MK – Do you want a cup of tea or something?

PC – No, no, I'm fine thanks. Am I OK to talk now?

MK – Yes, we haven't switched our recorders off. You're recording again, yes?

PC – Yes. I'm content to carry on with the interview but I can't give you any, clearly, any guarantee that at any point, I may need some time or indeed to conclude at anytime.

KP – Yes, that's absolutely fine.

MK – You're here, as it were of your own free will. We can't make you talk to us and nor would we wish to.

PC reached for a letter

MK – If you're happy for me to look at that, I can reflect what the document you wanted me to look at, rather than the document you didn't want me to look at. I can add that into the report.

PC – I think if I'm to continue and should it go to Standards Committee then I think that is the point where, I mean you can reflect that in your report that we've had this conversation.

MK – What is the document Paul? What is it?

PC – Well there's two documents actually.

MK – If there's one that's private, I don't want it.

PC – This is a letter from my doctor, Dr O'Hara at Willington surgery, following an appointment with him last week we discussed my, erm, where I'm at mentally.

MK – Yes.

PC – I've had some issues over recent months and this is just basically summarises that and says "*I would be grateful if you would recognise my mental state and if you would take that into account*", so, for the process moving forward, I thinkno, actually if you'd like to read it?

PC handed the letter to MK

PC – I don't want the content of this, the specific content in the letter capturing in the report, so if you are happy to say that you have read a letter from my GP, then.....

MK reads the letter

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MK – For the record, can I read that final paragraph?

PC reviews the final paragraph

MK – From the bit where it starts “He tells me.....”

PC – Yes, that’s fine.

MK – The letter refers to Mr Cullens’ state of health and then says “He’s unable to meet up with me. He tells me he has given this person thirteen possible dates for this person to meet with him but none of these have been taken up for whatever reason. Paul, at the moment, given the circumstances and very recent events doesn’t feel able to attend a meeting with this gentleman in the immediate future. Is this directed to me? Am I the sir or madam?”

PC – Yes, I think it’s to whomever it may concern.

MK – “I would be grateful if this would be acknowledged and taken into account” I mean, bearing that in mind, Paul, to repeat, if you don’t want to talk to us, I don’t want to talk to you, if you know what I mean. I don’t want you to feel that we are putting you under pressure to talk. As I sit today, I have to write a report. I’m very happy to say to Ardip that you have been to see your doctor, or whatever but it’s my view without knowing and asking her that she will ask me to conclude this in some way. That’s what I think she will ask me to do but I don’t know for sure but I will undertake to ask her. I will do that tomorrow.

PC – You’re clearly in the field of investigating Code of Conduct complaints, so I suspect that’s why you’ve been appointed to do this. I just feel that if I’m not involved in the investigation process, how can I put my side across against what I believe are vexatious allegations? I think your email to me the other day, that some of the complaints you were not going to investigate and some of them you were.

MK – Yes, and the report will say that.

PC – How can I influence and that’s what I’m here to do today, to influence your final report, if I’m not involved in the process? I think Melvin, that I’m content to carry on today. And I know that, no, it matters not.....

MK – No, please carry on.

PC – The only way I can make this stop because you know that if it’s not you it will be someone else sat here in the future and the only way I can make this go away is by resigning as a Parish Councillor. The unfortunate thing is, I don’t think the allegations will stop, they will just become police allegations of which I’ve had complaints made against me recently and of which I’ve had to make because I’ve been physically assaulted and verbally assaulted. So, the only way I can make this stop is being here

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today and defending myself of which I don't think I'm going to give you a full, true representation, because I'm not in the right place, or by resigning. That is the only outcome that these people want. OK, that would be my view.

MK – Right, so just to be clear because I'm about to ask you some questions, are you content to carry on?

PC – Yes, I am.

MK – You feel in the right place at the moment?

PC – Here and now, I'm content to carry on. Can I just ask one more question?

MK – Yes, of course.

PC – You clearly have a script you're going to read from.

MK – Well, there's a lot to get through and it's not so much a script as some prompts because there's a lot of stuff to get through.

PC – Am I at liberty at any point to ask questions of my own?

MK – Yes, of course, but bear in mind, I'm here to investigate the complaints.

PC – I understand.

MK - I'm aware for example of a lot of, what you might call, a lot of prior background. I mean, I've read the Liverpool Echo and the Derby Telegraph. You and I could probably sit here until the end of the day talking about all of that, but my job is, "there's a complaint, investigate it" Does that make sense?

PC – I absolutely get that, and I do investigations at work. I understand that you are very focussed on, "Has this Councillor breached the Code of Conduct?"

MK – Yes, there's a Code of Conduct, there's me, there's you, and there's what other people say and that's how it works. As I've tried to say in my email to you, we enter into an investigation, because Karen often does them with me, agnostic. We see all sorts of stuff. We are agnostic. You learn a lot about people and so we are agnostic as to, as it were the rights and wrongs. What we do is, we get evidence from various sources, balance that evidence and then write a report. It then goes to Monitoring Officer and the Monitoring Officer is actually at liberty to do what he or she wants with my recommendations. She might read them and say, "I don't agree with them" she might read them and say "I agree with them but I'd rather settle this without a Standards Hearing". The report is for the Monitoring Officer. Until it goes to a hearing, if it goes to a hearing, it's for the Monitoring Officer to take into account. Does that make Sense? I write a report for her.

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PC – In this particular instance, the Monitoring Officer has commissioned you to do her investigation because in normal circumstances, generally and in other complaints made at Willington Parish Council. Ardip Kaur has been the investigator. Ardip Kaur, or her team.

MK – Yes

PC – You’re clearly a third party.

MK – Yes.

PC – So, of the complaints that have been made. Willington Parish Council is broken, there’s no two ways about that. Am I a part of that? Yes, absolutely. There are eleven who have broken it and we’re all part of it. But she’s never commissioned a third party to investigate any other member. Now, she won’t speak to me, so I don’t know why that is. One part of me finds that actually quite refreshing actually that you’re looking at it, that you have no prior well clearly you do because you’ve done some background work but I expect prior to receiving that call you’d have had no knowledge of what’s going on at Willington Parish Council. I suspect now you know that it’s broken but that just seems very strange to me that I, and my dad, are singled out for special treatment because, I think I would be struggling to say that there isn’t one of the eleven Councillors that hasn’t had complaints lodged against them since June but all the others have been investigated in house except for myself.

MK – I would have to be most circumspect about what I say at the moment but you will have seen the process as written. It’s on the website.

PC – No, I haven’t seen that.

MK – OK, Willington aside for a moment because I’m not now talking about Willington. It is quite common for a Monitoring Officer to read and decide for whatever reason, it doesn’t go any further but because I don’t know about any of the complaints you are talking about and I haven’t been asked to investigate them, I can’t and it would be wrong of me to comment.

PC – I don’t want to draw you on anything, honestly, I’m not trying to.....

MK – We don’t work for her. In the sense that I don’t know what instructions they’ve got there but we do not work for her.

PC – I just think it’s important in terms of the audio transcript that I find it odd. I would like to ask how many times the Monitoring Officer has asked for a third party to carry out an investigation because I believe I’ve been singled out for special treatment. Whether that’s a positive or negative it matters not.

MK - I don’t know.

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PC – Can I just ask a question about the procedure?

MK – Yes

PC – In the procedure, in the email you sent me the other day about today's meeting, about the process

MK – When's it dated Paul?

PC – Email is dated on the 6th March. The email is from you to me and dated the 6th March.

MK – Which bit?

PC – The bit I refer to, is it's the section relating to LAC/80, 79 and 76 in which I'm not going to read it verbatim but which you say that because of the general nature of the allegations, lapse of time and probable cost suggests that at this stage the complaints should not be investigated but should lie on file.

MK – Yes and that's what my report will say.

PC – But there is no facility for that in the complaint's procedure.

MK – For what?

PC – It says that there's only two possible outcomes in the complaints procedure which is, recommendation for hearing.....no. My concern would be, it's kind of like if you receive a criminal, you know, it's like if you commit a misdemeanour while under a suspended sentence then you will be charged again for something else, for the same offence.

MK – No, I think that's a fair point and perhaps "lie on file" is the wrong phrase. I have been asked to look at those complaints and it might well be possible to investigate them, but we are talking about events nine months ago, or about nine months ago. When we spoke to individuals concerned, about those complaints there was a lack of specific evidence. Certainly not, and you were there [Karen], certainly not enough for us to be able to say that the Code had been breached, and that's what my report will say.

PC – So that's allegations will be dropped, no case to answer. I mean, I get letters from Ardip, I get allegations after every meeting. The last meeting was surrounding me filming again and she's now put, "no case to answer" the complaint before that was "not in the public interest" but this is very specific. You see what I'm saying? Because the procedure says you're either guilty or you're not.

MK – I think that's rather careless on my part. As far as I'm concerned, the investigation, it would have been possible to go into it in all sorts of detail but we're

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nine months on and in my opinion it would not be in the public interest to proceed with those and that's what my report will say as far as those are concerned.

PC – Just one more. So, paragraph underneath that, it says there are two further complaints which is LAC/77,76. Seventy-six is also referred to above about the alleged bullying and intimidatory behaviour in respect of the "Mega Bus" events. It's this next sentence which concerns me, or I have concerns about. "I will not be investigating those further" that bit doesn't concern me, that fills me with joy. *"I will not be investigating those further because my understanding that the Chief Executive and the Monitoring Officer have deemed the matter to be private"*.

MK – That is my understanding.

PC – So, I mean, I spoke to Frank McArdle [the Chief Executive] on several occasions about the complaints and Frank McArdle, I have the dates of the telephone calls with him, is very clear to me that the Monitoring Officer is a Statutory role and he could not get involved in any way, shape or form because in the event there was a complaint made about him and his position, as Chief Executive, the Monitoring Officer would be the person investigating that complaint. But this here, actually says that the Chief Executive has.....

MK – Well, you've got to bear in mind that's my understanding, I don't know if he's been involved.

PC – Yes, but, do you understand? You probably think I've been through this with a fine tooth comb, all I'm saying is.....

MK – I think the situation is that knowing what we know about these policies, when somebody behaves in a particular way, they have to be, what's called, "in capacity" and I think you understand that.

PC – Yes, give an impression or acting as in a Councillor role.

MK – To give an example, if you were to sit in the bar of this hotel downstairs, or if I were a Councillor and were to sit in the bar downstairs and say something derogatory about another Councillor, it's tough my really, unless I'm in capacity. Now as far as my reading of that situation is concerned, I'm assuming that the decision was made that those involved were not acting in capacity but that is my assumption. In any event Paul, the Councillor concerned resigned. It's at that point that the Monitoring Officers responsibility for that event, there is nothing that he or she can do about it at that point if the Councillor resigns. I'm not commenting on the rights and wrongs of that, I haven't been asked to investigate that but if the Councillor resigns, the accusation dies as it were because the Monitoring Officers jurisdiction extends only to Councillors acting in capacity. Does that make sense?

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PC – Absolutely.

MK – Now when I said about the Chief Executive, I don't know what, if any role the Chief Executive had but I have been told that Ardip Kaur said that it's a private matter and even if it wasn't a private matter at the time and the Councillor resigns, that's the end of it.

PC – If I tendered my resignation today.

MK – Yes.

PC – Everything stops

MK – I believe so. I mean you've said it yourself.

PC – I knew that before the full process started formally, that the only way to make this go away is to resign.

MK – You did. Who told you that?

PC – That was my assumption because I knew that when the Councillor who had made the comments in the email to me about being a scumbag and a drug dealer, when he resigned I was aware that it was the end of it.

MK – The policy that we were looking at a few minutes ago, is about Councillors.

PC – The Members Code of Conduct.

MK – Yes, and if you're not a member..... clearly if in any given situation, the police get involved then that has nothing at all to do with the Monitoring Officer.

PC – Yes, and I do have a question about that as well.

MK – You're probably asking the wrong person then. The jurisdiction of the Monitoring Officer is Councillors in capacity. Councillors can say and do the most hateful things, but if they are not in capacity, then as far as the Monitoring Officer is concerned, that's the end of the matter. If a Councillor somewhere in the county beat another councillor up, say, that would a police matter wouldn't it? If they were in a Council meeting, they would clearly have breached the Code of Conduct but equally it would be a police matter but if you read that Code of Conduct it's very clear. I'm reading from the Members' Code of Conduct adopted on the 28th June, effective from 21st July 2012. It says at the very beginning what I've just said to you Paul *"Under the Localism Act 2011 the Council must promote and maintain high standards of conduct by its Members and adopt a Code of Conduct. This Code applies to you as a Member of South Derbyshire District Council [Willington will have adopted that] you should read this Code together with the general principles at page 2"* which are the Nolan Principles. It's then got various definable terms and then it says *"Scope: You must*

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comply with this code whenever you act in your official capacity as a Member of the Authority” Then it tries to define what that means and then it gives you various obligations, we don’t need to go into them but they are obligations, goes into disclosable pecuniary interests and other interests. There’s more about it in that respect than conduct more generally. But it says, *“You must comply with this Code whenever you are in your official capacity as a Member of your Authority.”* So, if you are not in capacity, then the Code has no jurisdiction. Very often, the debate centres around whether you are in capacity.

PC picked up his mobile ‘phone

PC – I’m just trying to get onto Willington Parish Council website. The Willington Parish Council Code of Conduct is basically a précis of that.

MK – Yes, they will have adopted it at some point.

PC – Sorry, I can’t get onto it, I did ask for the Wi-Fi

MK – Well it’s not great here.

PC – I guess it’s best you start asking me some questions.

MK – Just before we start, you said the Council’s broken. Are you, would you be willing to work with all the other Councillors to try to get back from where you are today? There are means, there are people who will work with you to try to, when I say you, I mean the entire Council to bring it back into shape.

PC - I’ve asked these questions, I received a ‘phone call from the other Statutory role, I think his name is Kevin, I can’t recall his surname. I asked what interventions South Derbyshire could make. I’m not answering the question here, am I? There are several Councillors that have said and done some God-awful things against me and my family in recent months, whilst they’ve not been acting in capacity, so as you know Ardip Kaur will never have received these. So, to answer your question, I would have to forgive them for that to enable me to go forward and for me to forgive them for that, we would have to have a very open and honest discussion before that. Providing that happened and I received apologies. I don’t just mean a pat on the back and saying “I’m really sorry for everything I’ve done” I mean specifically for going to my employer and for me being hauled in front of the Chief Fire Officer because of a complaint that was made about my conduct at a Parish Council Meeting. That’s how low these people have gone. So, in answer to your question, yes, I would but I don’t think it could be, let’s all go into a room tomorrow and thrash this out. There would have to be some leg work done prior to that.

MK – Without speaking for them, I would imagine they’d say exactly the same thing.

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PC – I would say that my concerns are based on fact. I haven't just wet my finger and stuck it in the air. I could give you the names of people, I can give you my Director.... You know they sent the link for my Chief Fire Officer to watch videos, of YouTube videos of erm.....

MK – Who did?

PC – Well, as many of the complaints have been, they requested anonymity. They gave a name, but they won't give me their names but just like these complaints, I can second guess who the complaints are from. I'll just pick that up again later if I can. But I haven't wet my finger and stuck it in the air. So, if they are to say that I've acted inappropriately, I mean, I've never been to anybody's work. I've made complaints about people and do you know, do you want me to be brutally honest with you? Some of those complaints have been borne out of anger and frustration.

MK – Your complaints?

PC – Some of the complaints that I've made have been borne out of anger and frustration. I know that I'm confident that I can sit in front of you today and reasoned balanced argument against the complaints that have been made against me. But when those complaints keep falling through your door, week on week, sometimes I get four complaints after a meeting and I know they're coming, that's the thing. I tell you now, no matter how resilient you are, it gets to you. So, the complaints that I've made, I'm not going to say they are vexatious or spurious they are complaints which perhaps in the normal world, I wouldn't have made. But because of the anger and frustration I feel, I feel that I have to do it. It's kind of, if this is the game you want to play..... I'm guessing that Ardip Kaur and Frank McArdle are absolutely like.... Do you know? Willington Parish Council, we've had enough of this. Do you know what I actually suggested at one meeting? All eleven Parish Councillors resign in fact I suggested that the only way Willington..... because it's the people of the village who are being cheated, not the eleven people who sit there every week. I said it after the meeting, I didn't put it forward as a motion. Nothing.

MK – sorry, what do you mean nothing?

PC – No response. No acknowledgement, certainly no let's pursue that, let's consider that. It's a war of attrition. They want to win because they want to win and equally, I want to prove my innocence because I believe I am. None of these complaints are because they genuinely believe I said or did something, because I went over there and sat as a member of the public. It's not about that. It's about because they want to win. I guarantee. We have a meeting on Tuesday evening I put forward at least five items for the agenda. None of them have gone through. Not one. In fact, if you look on "Spotted Willington" this week you'll probably see lots of comments about it. And you know Deb Townsend? She's supposed to be a gold star qualified Clerk who's being

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remunerated very, very well for the locum role that she does and I've no doubt that she can perform to that standard in the right environment. I'll come onto Deb Townsend in a minute. She's now been taken back on because the previous Clerk wrote a letter of resignation about things she couldn't possibly know about. She resigned after one meeting. Deb Townsend has come back, I'm not looking forward to it. Deb Townsend, in my view, I'm sure Deb Townsend will give you a different view. She is acting in a professional capacity, she clearly allows other people to do what she won't allow me to do and I'll pick that up in a couple of the complaints. I think it's important for me to know, I understand that you can't tell me and I don't understand why you can't tell me because the procedure says that members who have had complaints made against them, should know who has made complaints against them and what the complaint is and only in exceptional circumstances should their names be withheld and the exceptional circumstances relate to personal safety and the other is if I could influence things at Parish Council or services of. I don't have a police record, I'm not a danger to anyone, so my view would be, and I know that yourself and Ardip would disagree but I believe I should know. And do you know what? I think that once people start

MK – Just to be clear, it's not for me to judge. The complaint form allows for anonymity and therefore when it comes to me, it has a box ticked with a statement as to why the individual concerned wants anonymity.

PC – But that's all they are, tick boxes.

MK – From memory, without looking at it, they have to put a little paragraph in which says why and that gets passed to me.

PC – And you have no jurisdiction?

MK – No, it's not for me, we have to tread extremely carefully because of this. Believe me, it's far easier when one person complains about another and everybody knows who's complained. It's very hard for us. Try writing a report Paul when you've got complainant A and complainant B, complainant C. Try doing it for eight complaints.

PC – You see this is completely alien to me.

MK – So I would rather that people did that but it is right under the process because that's what the form says.

PC – It's also my right to know but we could go round and round but it's completely alien to me because the investigations I do with representative bodies, we give them everything, every single interview everything that has been conducted, any video. So that when this meeting takes place, nothing boo's them, I could be boo'd with lots of things today. When I say boo, you know what I mean. It just seems so not in the spirit

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of open and transparency when you talk about the Nolan Principles. I understand that you're working within the constraints.

MK – We have to.

PC – If I've had complaints made against me in recent weeks, last week I got two which are, in my view, a far more serious nature than the original complaints made against me in June of last year which have been dismissed. No case to answer. Not in the public interest and I suspect that will be what will happen moving forward.

MK – Sorry?

PC – I suspect that when the complaints come in, they will have been scrutinised far more than they have been in the past.

MK – I don't know.

PC – And if Ardip Kaur actually applies the principles, you don't have the right to anonymity, you have the right to apply for anonymity and if she applies those principles and starts saying to people if you want to make a complaintsave for exceptional circumstances if someone is in serious danger, I get that completely but people have to be accountable and standing up to the complaints that they've made in the public domain and I suspect they'll think twice before they put pen to paper and send them. That's my observation.

MK – I don't know again, but you're into the realm there of the Monitoring Officer's domain as you and I have said in various email exchanges. I am not there to pass judgement on "the process" at Wellington because that's the process, is the Process. I am here with Karen, as I said there's a complaint, there's a Code of Conduct, has it been breached? That's it. We are agnostic. I can reflect such things as your health in there and I reflect other people's health in there. That's why I asked you the question as to whether you would be open to some kind of reconciliation. And you've said to me, "only if they apologise" and before you know it, we're facing off again aren't we? Everybody would have to buy into it. That could be a recommendation from the Monitoring Officer.

PC - We've already discussed it at Parish Council, through DALC. The groundwork was done, sessions were priced, group sessions and individual sessions and for me to move forward on that, there was one particular Councillor who has been, more recently

MK - probably it should go into the report because there have been several but this particular Councillor whose wife I believe, reported me to work. He's the one who..... am I OK to talk openly? Well it's abusive language, so basically there's no point in flowering it up in any other way to just say it as it is.

KP – Yes, that's fine.

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PC – So, he actually stopped in the street and it was very unfortunate for him, that he said to someone who happens to be my best friend who has since become a Parish Councillor that “Paul Cullen is a wanker we will get this guy off the Parish Council” this is Ian Walters, “this is our sole objective” for John Phillips (who has since resigned) and Ian Walters. I’ve since found out why they want to do this, but he stops in the street and calls me a wanker to my friend who came straight round to my house and told me. Now in order to move forward, when we were talking about mediation, I think it’s important that me and Ian Walters sit in a room with a mediator first and actually sort our differences out which is what I proposed when we were at Parish Council. It’s all minuted, it’s all documented. They said no, it’s all eleven of us. I said, absolutely but before I get to that point, I need to understand why Ian thinks these things about me. Why he’s prepared to go around the village and say these things about me. Look at the Facebook posts, I’m not even on Facebook. I use my wife’s account, there’s no boundaries to what they say. So, for me, it was important to sit down with Ian, in this environment with a trained mediator and understand each other’s differences rather than have eleven people screaming at each other. He wouldn’t entertain it.

MK – Well, all I can say, that in general terms it’s far better if, in your words, a broken Council can sort themselves out because, not talking about Willington, talking about AN Other Council, over there, Standards complaints can go forward, things can be decided at a hearing but the problem doesn’t go away and if people are getting ill as a result of this, and you’re not alone, I think I can speak....

PC – Within Willington Parish Council?

MK – I’m talking now about Willington but more generally, if people are getting ill surely the right way forward is for you, collectively to settle your differences. That would be my hope. It maybe that Ardip does that but as I say, what I do is put forward a report and it’s up to Ardip what she does with it. It may be that she wants to hear the complaints to the end but equally, it might be that she tries to get mediation. I don’t know what will be in her mind. I know that mediation has been discussed in the past and that’s often a way forward, but the Council appears to be broken, in your words, at the moment. And if it’s broken then there has to be a way found to put it back together again.

PC – I can tell you now I’ve made my mind up with the way forward with this. One of my options was to resign because I knew that from what happened in the past, everything would just go with it. When actually, I want to clear my name because it’s my health, my wife’s health, the boys are old enough now to understand what’s going on. So, my way forward is to do both, which is to clear my name and then resign. I won’t be part of the Willington Parish Council moving forward. My only concern is that there’s six Parish Councillors, you will understand that there’s a very clear divide

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at Willington Parish Council. You can call it the 6/5 or whatever you want to call it but if you've spoken to people you will know there is a very clear divide in the Council and no matter what we do, whether it's for the good of the village. I've missed a litter pick and path maintenance today from the Footpaths and Open Spaces Group that I was responsible for founding. This morning they are carrying out works in the village this morning and I've missed that to be here today. The very same Footpaths and Open Spaces Group that the gang of 6 closed. Shut it down, completely. We do not want your group. Why? Because it was successful. Because it was me. We're introducing Beavers now with Derbyshire Wildlife Trust. The Group was growing legs and it wasn't walking, it was running, and they didn't like. Do you know what the impact was on that was? The Parishioners of Willington, not us eleven sat in that room. It was at that point and when these lot [complaints] kept coming in every week, I decided I was going to do both because just to resign they would just say actually he's resigned because he's guilty. Well I'm not guilty, I know I'm not guilty, do that would be to do both. Now I can draft my letter of resignation, I've already got one letter of resignation here but that is specifically for the Footpaths Group because as long as I'm part of that Footpaths Group, the gang of 6 will vote against everything it tries to do, so for that Group to move forward, I can't be a part of that Group. So, I've already made that decision, so hopefully, when we get to the end of this process, that'll be me done, I can assure you. But unfortunately for me, the Code of Conduct complaints will cease but it will just be the wanker signs when I'm in the Coop in the village and when I'm walking the dogs and John Houghton is shouting across the field at me. In fact, he actually deviates. I walk one way and he decides to follow me, these are all police complaints, to start shouting across the field at me about me being a bully, a fucking bully. All reported to the police. Not being a Parish Councillor is not going to stop any of that, I get that bit but what it will stop is all this [Paul points to a pile of envelopes] it comes through the door and I get a text message from my wife. There's another one come, she reads it and WhatsApp's it to me, then she 'phones me, crying, there's another one and another one. So that would be me done. Please, carry on.

MK – Shall we?

PC – Yes

MK – You're in the right frame of mind, yes? I want to be clear that you are.

PC – Yes, it's important I ask these questions first because some of them are based on procedure and I know you can't tell me this, but if any of the complaints are made, or maybe you can tell me, I don't know, from the Parish Clerk, then I'll say are they from the Parish Clerk and you'll say I can't tell you.

MK – I can't.

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PC – So then I'd say, if any of them are, then I won't be answering any questions about them because the Parish Clerk, by her own Standing Orders should have informed the Parish Council that she has made complaints and somebody else should have been put in place that's according to our Standing Orders. I can show you that now if you need it for the record and the other thing is, I have been asking for about six months for an agenda item which is legal protection for Parish Councillors. I've got all the emails where I've been asking for that to be included as an agenda item and she's refused. Now, she's refused and yet in our Standing Orders I think it's 41c but I've got it all written down here, it says that "*The Parish Council, can support the legal costs of any Councillor who has had a Code of Conduct complaint made against him, provided it is ratified at full Council*". So, if she has made a complaint.....

MK – I don't know Paul and it's not for me to comment.

PC – Well I suppose what I'm saying is, the legal advice that I've been given; I'm a member of the Fire Brigade's Union and the legal advice I get is through that union which is very limited legal advice but it gives you direction. Anything beyond that, you then have to pay, and it becomes very expensive. Now, if she's made a complaint about me, let's not say she. If a Clerk has made a complaint about me and denied me the opportunity to seek legal costs as an agenda item at a full Parish Council Meeting, I would question the legality of that. I don't suppose you can help me with that.

MK – I can't, it's beyond my understanding.

PC – Other than to say, if any of the complaints are from Deb Townsend and I don't want you to take this personally but if any of the complaints are from a Parish Clerk, whether it be from Rebecca House, Sabrina Doherty or Deb Townsend as the locum Clerk then I would need to know, or you would need not to ask me any questions surrounding complaints that they've made because they have denied me the opportunity for professional, legal advice.

MK – You're moving beyond my comprehension here of the details of your Standing Orders, I can't comment and I can't talk about who has and who has not made complaints except in that one instance where if you're writing emails to an individual, it's pretty obvious that that individual is involved. I cannot comment on the who, I just can't because I would be breaching confidentiality.

PC – OK if that were the case and clearly, I understand why you can't, well I don't understand why you can't but Ardip Kaur can, but you can't.

MK – All I can say is if you've got questions about the process or the legalities of the individual things, then.....

PC – I've asked her. I've asked her. I don't even get the courtesy of a response to an email and it's not as if I'm emailing her every day.

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MK – Well, we are back to, I've got some complaints and I need to go through them with you.

PC – OK so, for the purpose of records and I'm mindful of time for the purpose of whatever is recorded today is that, I suppose that whether it's regardless of whether the complaint has come from the Parish Clerk, I've been denied the opportunity to have a single line agenda item and I have got them here, the items that I have requested and she flatly refuses, because she can because Clerks can deny any agenda items that they choose and Deb Townsend, the Locum Clerk has denied me the opportunity to bring it to full Council to seek financial assistance for legal costs to defend allegations that I'm now facing.

MK – Sorry, I just can't.....

PC – I know, I just wanted it for the record.

MK – Well, all I can say is that it will end up in the transcript.

PC – Yes, all right.

MK – Shall we carry on? Have you got a hard stop? Do you have to be away? I certainly don't.

PC – What I'd like to do is be here as long as it takes for you to fully understand everything you need to rather than revisit it again in the future.

MK – Well I've got a hard stop at 1.30pm and that really would be beyond the longest interview that Karen and I have ever done.

PC – Yes, I get your point. I guess that eight complaints is probably the most you have ever had to investigate as well.

MK – Tell us very quickly Paul about yourself, how long you've lived in Willington. I know you're a Fire Officer. When did you join the Parish Council, what Committees are you on? That kind of thing.

PC – I'm 52 years old, originally from Liverpool, I've lived in Willington all of my adult life, apart from a short spell in Repton. Married to Jackie, two children and up until recently, two dogs. I was co-opted onto the Parish Council prior to the 2015 election, so I was co-opted on prior to 2015 and I stood for election at the 2015 election and was voted on. Likewise, in the 2019 election. I have sat on various committees over those years including Staffing, Recreation and Amenities, Car Parks, Advisory Groups, Footpaths and Open Spaces Group. As I sit here today, I'm only on Footpaths and Open Spaces Group. I think there are three Committees, Burials, Footpaths and Recreational and I sit on Footpaths and oh, Staffing.

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MK - Shall we talk first of all about LAC/107 which is filing at the Parish Council Meeting. Do you recall the incident?

PC – I am aware of the incident, yes. I'm just trying to find the complaint.

MK – 107 this is. Has Ardip written to you about 107?

PC – Yes, I received this on the 26th November. It doesn't mention filming in the original complaint and this is generically an issue that I have because clearly the complainants have requested anonymity but also the content of the allegation has been limited in pretty much all of the allegations, so this one specifically says "*You behaved in an intimidatory and aggressive manner during and after the meeting of Willington Parish Council*".

MK – Yes, this was about filming at the meeting and I've listened to the audio, or the relevant parts of the audio of that meeting and there's a fairly long discussion about filming. The allegation that it was intimidatory because it was directed at a single individual. There are other complaints about filming, and I know that filming has been a bone of contention for some time at Willington, but I haven't been asked to investigate those. I don't know their status, but I've not been asked to investigate them. Rather than not asked to, I've not been asked to investigate them.

PC – OK, do you just want me to talk about them?

MK – Yes. It seems to me, listening to the audio, that such filming took place.

PC produced a Go-Pro filming device.

PC – It's not turned on by the way.

MK – We were told by witnesses. If you tell me that's the camera Paul, I accept that. I didn't know what one of these things was until Karen told me. You kept moving it to get an individual in shot. So, over to you.

PC – So, you're quite right, there have been subsequent complaints about filming which have been dismissed by Ardip Kaur. The complaint was dismissed on 31st January, so a complaint around filming has been dismissed.

MK – On what grounds?

PC – Dismissed as it wasn't in the Public interest.

MK – I guess that what is being said there is that there is complaint, we investigate that complaint.

PC – On this particular one?

MK – Yes, so there's no point investigating 27 other complaints or whatever.

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PC – Yes, I understand that. I guess that this one specifically, suggests that I deliberately tried to intimidate somebody. As opposed to just generally filming.

MK – Yes, correct.

PC – Which is complete nonsense. The purpose of me starting to film was absolutely for my own protection to protect me against..... these are all complaints, so you've only eight, nine, ten? I've got a lot more. So the purpose of me filming was to, not so much protect myself, but so I've got a video, documentary of what actually happened so that in the event that a complaint came in then I can say, well actually, this is what happened. In this particular instance, I've made some notes here and I don't want to read verbatim but at the meeting had started and I'd been filming for approximately one hour and twenty three minutes, so after one hour and twenty three minutes, Claire Carter then decided that...Claire Carter, for whatever reason has a dislike for me. So, I've been filming for one hour and twenty-three minutes and I think it's important that I show you. [Paul explained where everyone was sitting] I'd been filming for one hour and twenty three minutes and during that time nobody in the room said anything and I didn't tell people I was filming and that's not because I wanted to hide anything from people, it's just because you don't have to. The legislation says that I don't have to. Other people had been filming, other people had been audio recording, I don't think anyone had been videoing at that point. But for one hour and twenty three minutes I'd been filming and throughout that time I'd altered the camera on several occasions and then ultimately, so, actually, pretty much this side of the room was the six Councillors who appear to have an issue with me. So clearly, if I wanted to intimidate them, I would have sat at the other side of the room and pointed the camera at them. So, it was never my intention to intimidate anybody, it was merely my intention to capture the meeting, the discussion, the decisions that were made so that I've got it documented and what happened. So, what Claire Carter was doing, she sat here [Paul motioned to a space near him] and when I speak she pulls faces, if I make a comment on something, it will be [Paul rolled his eyes] this kind of gesture and specifically at this meeting, every time I spoke [Paul tapped his pen loudly on the table] she did that. She was tapping her pen on the table. This was actually captured in the minutes of the meeting. So that was it, she said to the Chair that she'd like the meeting paused, he asked me to stop initially. I declined to stop. In the end he said he wanted me to move it and I was very clear and I have been clear to all of them, all the Councillors including Claire Carter because actually after that meeting there was a few of them who decided they didn't want me to film at meetings, that I was doing anything that I wasn't legally allowed to do then I would stop. I was very clear about that. Then because they realised, subjective, my view, they realised then that actually filming was something that was a perfectly legitimate activity to carry out, they then decided to, and I'm talking beyond the complaint now. Am I OK

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to do that? Because the complaint is only specifically about that meeting on that day but after that meeting on that day, Claire Carter I'm guessing sent her apologies, but she certainly wasn't at that meeting. They then decided that, yes they were content for me to film because I was legally allowed to do so and if you listen to the audio of that meeting, you will hear Deb Townsend saying that he's absolutely allowed to do so. They then decided they would only allow me to do it if it was in a position where it took on the whole of the Council and I challenged that and asked them "Where did it say that?" I told them about openness and transparency of Local Government, I'm not sure if it's called that.

MK – The Openness of Local Government Regulations 2014 and then there's a piece of legislation that predates it which is the Public Bodies Admission to Meetings Act 1960 and then there is this piece of legislation which is the Openness of Local Government Bodies 2014.

PC – I've got all of them. The actual document that I referred them to was the Plain English document which comes from that. It's the Openness and Accountability of Local Government which comes from the 2014 Act. This is the document I referred them to and it supports me filming. It talks about Councillors actually being allowed to. I suppose a lot of what I would say is down to, I don't believe there is anywhere where it says that I can't film. Another thing I was trying to point out to them that this [Paul points to his Go-Pro] has got a fisheye and I actually said at one meeting as miraculously a police officer arrived at one meeting, you've probably seen that on YouTube. I was trying to explain to them that it has a fisheye lens on it and probably, at this angle now, Karen is probably in shot and I tried to explain that to them and they said that they wanted it down there [Paul pointed to the end of the table] and I told them that they were probably all in shot now anyway, in fact I looked down it and said they were in shot now. It wasn't about the camera now; it was about me.

MK – There's a presumption under that Act that you are allowed to film the proceedings of the meeting. End of. There is a presumption that Councillors agree to be filmed but what we're being told and what we've been told by several witnesses that camera was pointed specifically at that individual and that you moved it several times. She moved and you moved it.

PC – No. It's very unfortunate that the very purpose of me taking the camera to that meeting was to prevent this allegation but the unfortunate thing is I borrowed this camera and whilst I was playing about with it and you can look at the memory now, I've deleted everything.

MK – So haven't got a copy of that film.

PC – I haven't got a copy of it.

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MK – Well I was going to ask you that.

PC – And I would gladly have given it to you. What I can say is, and I did point this out at that meeting and several other meetings is that I didn't, categorically. I'm guessing that the best witnesses I could offer you would be independent so my fellow Councillors who offer me support through all of this are probably not the best ones in terms of being independent because I've spoken about the 6/5 divide but there is a member of the public who was at that meeting and you actually hear her on the audio speak out and in fact, I actually gave the camera to her.

MK – Who's that?

PC – Her name is, Angela Budworth. I haven't asked her, but I will ask her if she's happy to be interviewed as part of this process. What I would say is about that presumption about being filmed, not being filmed, in a public meeting, nobody has the right etc., for Claire Carter to say she was intimidated, and I know it was Claire Carter it was clearly Claire Carter as she was sat next to me.

MK – It doesn't mean that Claire made the complaint. That's all I'm saying.

PC – Well Claire Carter was sat next to me and at that meeting and the following meeting because this went on for several meetings. At that meeting and subsequent meetings, I tried to explain that I'm not doing anything that the law doesn't allow me to do but I can't control whether you feel intimidated or not.

MK – But the allegation is that the camera was pointed at Claire, Claire moves over there it's pointed at Claire, Claire moved behind somebody else, it's moved to be pointed at Claire, now that's the allegation. What's your response?

PC – Absolutely not. I absolutely recall moving the camera twice. I had it diagonally across the room to start with, the topic of conversation appeared to be mainly from down this side, so I moved it to there. It's more on me. John Houghton, Ian Walters and Mark Bartram are down this side. Claire made an issue surrounding being filmed but she never said anything about being intimidated. Not once. If you've listened to it. The only person who mentions feeling intimidated is Deb Townsend. Claire Carter never mentioned it.

MK – What also puzzled me Paul because as I said, I listened to the audio of it, is why, going back to what you said at the beginning that you wanted to film the, my word, the proceedings of the meeting, why you didn't very quickly give it to a member of the public who could get the full span of the meeting because it took quite some time to do that.

PC – Yes, and at subsequent meetings I've refused to do that.

MK – Why?

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PC – Because the issue isn't we need to look at the bigger picture, not just the filming. The issue isn't surrounding Paul Cullen filming a meeting. The issue is surrounding, let's if it's the camera this week, it would be something else next week. It wasn't about the camera; it wasn't about me giving the camera to the lady in the audience. It was about getting me, Paul Cullen to stop doing something and then they would have perceived that to be a tick. So in subsequent meetings, I chose not to when that offer was extended to me again to put it at the end of the table or give it to someone in the audience and I flatly refused and Phil Allsopp closed the meeting down. He said, "Well if that's the case I'm stopping" this was actually at the meeting that the police officer was at and the police officer and the Clerk, everyone in the room was saying we were allowed to do it. Now, I haven't done this deliberately but if I chose to put it on Claire Carter, if I chose to put it on Claire Carter and follow her around, yes, that would probably constitute me trying to intimidate her but it still doesn't prevent me from actually doing that.

MK – Just a couple of points, whilst I'm not investigating a particular complaint where in one meeting there were three cameras on your table. In that particular instance that would imply not that we are dealing with a desire to film the proceedings but we're actually doing something rather more than that. And I say "we" in the broadest sense. Whilst I'm not investigating that complaint, I can certainly take that evidence into account because, that I do not understand. If it is not designed or intended to alarm people. I can't understand why when some it it's alleged that there's a camera here, here and here, I can't understand why that would be done and I can't understand that why when some of the individuals concerned left the meeting and the Chairing of the meeting was passed to another individual why the filming stopped at that point.

PC – No, the filming didn't stop, the filming didn't stop at all, filming carried on.

MK – But there were three cameras, so why if you were filming proceedings would you need three cameras?

PC – I take one camera and my 'phone. Sometimes a Dictaphone if my memory is full, so that's what I take to the meeting. If you want to know why other people have taken cameras you will have to ask them. I can give you my best guess, but it would probably better for you to ask them that question. But what I can't tell you for sure is that filming at Parish Council meetings from my perspective, we spoke about it a number of years ago, about actually the Parish Council filming their own meetings and then putting them on social media for people who can't attend. That's not what I do it for, I do it for my own protection and I suspect that if other Councillors are taking cameras, they are doing the same. I suspect.

MK – So, hypothetically if at the beginning at every meeting a camera was put there to capture the proceedings of the meeting, would you still film?

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PC – I suspect I probably would. I can give you a couple of reasons why. Just go back to the Claire Carter incident. I absolutely, unequivocally deny. First of all, I'm allowed to film, that was the issue.

MK – You were allowed to film the proceedings, yes.

PC – They were very clear that they wanted me to stop. Very clear. Phil Allsopp at the Extraordinary Meeting thereafter warned me, and they were his words, not mine, "If you point the camera at me, I will stop the meeting". Which I didn't. he said, "I'm warning you, if you point that camera at me, I will stop the meeting". I had no intention of pointing the camera at anybody. If I chose to, I didn't, but if I chose to, some people would say I did it deliberately to intimidate them.

MK - That's what they are saying.

PC – Well I can tell you now that Phil Allsopp sat at the Extraordinary Meeting last Tuesday after having the police knock on my door a few days before because of an allegation he's made against me, sat at the head of the table winking at me, so if that camera, up there captures Phil Allsopp then yes, I don't think I will have any need for that. I'd like to know who's in control of the footage thereafter. This camera, if I put it there, I know that if he starts and I know he's doing it deliberately because he wants me to react. So, he's winking at me [Paul demonstrates] and I actually said, "What are you winking at me for? It's ridiculous. But funnily enough the item we were discussing it was a single agenda item at an Extraordinary meeting, it was a single agenda item which was to discuss appointing a new Clerk which was an exempt item. So clearly, anything that's exempt, you can't audio or video record, so I didn't have a camera, so he seized the opportunity because I didn't have a camera I suspect, to try and intimidate me. What am I to do? I could easily submit a complaint about that, but I suspect it would not be investigated it would be a waste of Ardip's time, a waste of my time and probably a waste of his time. In answer to your question, providing that single camera up there was pointing at everybody and we all had access to the footage thereafter, then I would have no need to take that.

MK – OK, so just for clarity then, are you saying you did not move that camera as it were, to follow Claire's movements around the room?

PC – Absolutely, unequivocally. I absolutely did not. For one hour and twenty-three minutes, that camera was there. I've actually got the entire audio recording of the meeting there. And after one hour and twenty-three minutes Claire Carter said to Phillip Allsopp, "Excuse me, can we pause please? Is it filming?" When it's filming there's a red light flashing on it. And after one hour and twenty three minutes and actually, when I looked at the footage, she'd looked at the camera, every Councillor in the room knew that it was filming, the audience knew it was filming and I could tell you why, I believe, when I was speaking and again I've got it on the audio recording

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and it's in the minutes of the meeting.....another thing that they do, the minutes are not a true reflection. The minutes are pretty much what six Councillors want in there. When you have eleven Councillors, the six are always going to have the majority vote and even if it's five, the Chair gets the casting vote. Prior to Claire Carter saying to Phillip Allsopp to pause the meeting, she never once said that she felt intimidated. Every time I spoke, she was tapping the table like this [Paul tapped his pen loudly on the table] and I stopped, and I looked at her and she stopped. When I started to speak, she started tapping the table again and Caroline Blanksby said "Claire, can you stop tapping the table please?" A few minutes after that, Claire Carter then decides she has a massive issue with a camera that has been there for one hour and twenty-three minutes. In answer to your question, if I want to protect myself and my conduct then really, I should have the camera pointing at me.

MK – How are you protecting yourself Paul?

PC – From these vexatious allegations. You can read the minutes. The minutes of the 19th December are quite interesting because that's the meeting where two other Councillors took video recording devices in.

MK – I think there was a complaint about that too.

PC – Yes, I think there was.

MK – But we haven't been asked to investigate that.

PC – My point is, to answer your question about how I'm protecting me because if you read those minutes of the 19th December. Phillip Allsopp reads a Chairman's Announcement which isn't on the agenda. His exact words were "Right, let's kick off then I want to start by reading this Announcement", so I pointed out to him, as a point of order that there is no Chairman's Announcement on the agenda. We can only talk about what's on the agenda. Even public participants can only make comment on items on the agenda. I pointed that out to him, and he said, "I'm going to read it out anyway". He then went on to read his Chairman's Announcement. I've got a copy of it in which he said it was all about filming. He finished his announcement and he said "Right, are you filming?" to me. I said "Yes" he said, "Can you move your camera to the far end of the room?" I said, "For what purpose?" He said, "So it captures the whole of the meeting." I said "I get that but why? The Accountability Legislation allows me to Tweet and Vlog or Blog, I don't do it, but the Legislation allows me to do it should I choose to do so by putting all my video recording devices at the end of the table doesn't allow me to do it." So, he's trying to impinge on what I'm legally and lawfully allowed to do. Not because he doesn't want the meeting filmed but he wants to score a point against me, that's all it is. So, the point is, if you read those minutes of the 19th December, they are not a true reflection of what happened. And I know they are not a true reflection of what happened because when I call a Point of Order,

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Deb Townsend says, “The meeting hasn’t started yet.” And Phillip Allsopp said, “The meeting hasn’t started yet.” I said, “That’s strange, you’ve just read a Chairman’s Announcement out, so if the meeting hasn’t started yet.....” He then, puts forward a vote to have me ejected, “ejected” that was his word. “I propose to have Paul Cullen ejected from the meeting” which six Councillors voted in favour of and five voted against. I’m getting into the realms of another complaint here aren’t I? So, my point is, in answer to your question why do I need protection? It’s exactly that because I can’t control what goes into the minutes of the meeting. I can offer a different option, which I did for that particular meeting and it was voted against.

MK – But you don’t need a camera for that, do you? You just need audio for that.

PC – I need a camera for Phillip Allsopp winking at me and gesturing I’m a wanker. I need a camera for that.

MK – So you’re saying that Phillip Allsopp gestures that you’re a wanker at the meeting.

PC - He’s never done that at a meeting, he’s done that outside of the meeting. Lots of the complaints come from outside of the meeting. I’ve had several complaints made about me, about my conduct while I’m not in capacity in my view.

MK – Right.

PC – Sorry Melvin, I just want to try and understand. If Willington Parish Council wasn’t broken, my words. I wouldn’t need a camera. I probably wouldn’t need an audio recording; it would be sufficient for the Clerk to have both or for the Clerk to have a Dictaphone so she could type the minutes up and a camera that was catching everything. That would be a point that I would like to see whether I’m on the Parish Council or not, a point that they aim for in the future.

MK – What? Recording?

PC – Well actually recording so that it goes out on. A Willington Parish Council video that goes on the Willington Parish YouTube or Facebook channel so the whole Parish can see it.

MK – Some Parish Councils do that.

PC – That would be utopia. I don’t think we are going to get there with the current eleven members. So that would be my vision for the future. I believe that currently, the current position that Willington Parish Council is at I need both an audio and video diary of events of the meeting in order for me to firstly protect myself from allegations made against me and secondly to support allegations I may make about others.

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MK – OK, I get that. So, going back to the specific of that meeting and that complaint, you are saying that you did not move the camera, my words, to follow Claire around the room.

PC - I can't find the words. There're no words that seem appropriate enough to just say no, I didn't do it, just seems.... No, I didn't do it. One hundred percent did not move a camera that had been filming for one hour and twenty-three minutes to point at Claire Carter. At the meeting, the Extraordinary meeting last week was specifically for the Clerk, before you get to any exempt item, you have to go through the formalities of Public Speaking and all the items appearing at the top of the agenda. At that meeting, before we got to the exempt item, I had my camera in front of me and Claire Carter was sat there. At no point did Claire Carter utter a word. This was the first meeting she's been to, the second meeting she's been to, I think. The camera was out, it was in Public Session, she never once said she felt intimidated, harassed or that I was acting in poor conduct, the meeting just carried on, as meetings should carry on. As soon as we got to exempt item I turned the camera off and put it in my bag, so, I fail to see why at one meeting she feels intimidated, I don't fail to see, I understand why she's done it. This particular meeting, she feel intimidated. On Tuesday night I will be filming. I have a meeting on Tuesday night, I'll be filming, it will be interesting to see how Claire feels. Have you ever been to a Willington Parish Council Meeting?

MK – I haven't, Karen has.

PC – I actually encouraged the guy at South Derbyshire District Council, his name is Kevin Longstaff? I can't remember. He's the guy that phoned me up. I actually encouraged him to come down to see what's happening.

MK – Right, I've got a couple more questions about this and then we will have to move on because otherwise I don't think we will get any further. First one is, you've spoken about your wife and I think you said she's broken her collar bone.

PC – Well she's broken her collar bone, her cheek bone, She's still not in a good way now.

MK – If she had been Claire Carter and for the sake of argument and I had been you and I had filmed in the way that Claire alleges. How would you have felt about it?

PC – So, the roles are that.....

MK – Yes, I'm saying that if it was your wife rather than Claire and not you but someone else had been filming in the way that you were filming, would you have had any concerns about it?

PC – So, I think the only way I can answer that is yes or no. I don't think there is an easy way to answer it though because, Jackie, my wife is fully aware of the issues.

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MK – I'm talking about really what I'm talking about, only you know what was in your mind when you were filming. If it had been your wife rather than Claire, forgetting that it's you, because your wife wouldn't bother about you filming her. I'm just trying to say if it was your wife and Claire Carter's husband, how would you have felt.. ?

PC – I understand. If my wife was being filmed as a Parish Councillor

MK – In that way

PC – But I wasn't doing it in any way.

MK – Well the way you were filming on that day. What's in your mind?

PC – Is the implication that I was doing something wrong?

MK – No, the implication is that you were filming, you know how you were filming, how would you have felt if it had been Claire Carter's husband and your wife and the roles were reversed?

PC – so, I would absolutely have had no issue. The reason I wouldn't have had an issue is because I'd have been sat in the audience and watching what was happening. I know that me person wasn't doing anything wrong.

MK – OK. That's fine. My other question is, we've talked about other witnesses before. Do you believe we should be talking to; I know you mentioned Caroline Blanksby, I know there are other names, do you believe we should be talking to them in respect of this allegation?

PC – In respect of this allegation, I would hope that Angela Budworth who is a Parishioner, I can contact her to see if she is happy to do that. I don't have contact details for her, she is just somebody who more often than not, comes to Parish Council Meetings. There aren't that many people. Caroline Blanksby would certainly be one.

MK – We've heard Ros Casey mentioned.

PC – Melvin, you clearly know.....

MK – I know who the people on the Council are

PC – And you know the six people I'm not going to ask to be witnesses and you know the five or four that I am.

MK – I know but I want you to have the opportunity to make your case. As I said at the beginning, I'm not in the least bit interested who's right and who's wrong in this. I want you to be able to make your case properly.

PC – It just seems to me, so frustrating that at one day a snapshot in time that in one day at one meeting there's a massive issue that I'm filming and subsequent meetings,

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I think now they actually understand that actually we'd better just leave him alone because he can do what he's legally allowed to do. I can tell you now that on Tuesday night, no one will utter a word of it. I did not and unequivocally would not. I only joined Willington Parish Council to make Willington a better place. Now if Claire Carter wants to be a part of that, I don't have to like her. I suppose I'll never like her; you know, we will never be going out for drinks. But I wouldn't do that to somebody, I would absolutely, unequivocally would not deliberately..... and do you know why I wouldn't do that? Because I know what it feels like to be harassed and intimidated and nobody should be made to feel that way. So, I would not do it. Can we take a minute?

MK – Yes, sure. Would you like a drink or something?

PC – Yes, if I could get a tea or something?

MK leaves the room to get refreshments and PC leaves the room also. PC returns two minutes later. MK returns one minute after.

PC – If Claire felt the way that she did, then I have my own views after such a long time but if she genuinely did then you know, it was never my intention. For twenty seven years, in the industry I'm in, of course there are issues in any industry, whether you are in Tesco distribution or the Fire Service but that's my world that's what I've been doing for twenty seven years and Claire and I will never see eye to eye and I think healthy debate is healthy at Parish Council meetings but we will never. It's embarrassing that some of the things have happened but the suggestion that I did what I did to make her feel intimidated or harassed was absolutely never my intention. What I would suggest is that the issue that she made thereafter was to try to put the spotlight on me for her own game. And when when I say her own game, I'm talking very generic there for the game of the Parish Councillors that dislike me being there. I know from the very get go that their goal is to get me off the Parish Council. In fact, it wasn't, shall I tell you what the game was? It came from Councillor at the time, his name is Bill Harding who was involved in a land swap between the Parish Council a Parishioner. The Parish Council owned one piece of land which is adjacent to this guy's garden and he owned a piece of land across the way and the previous administration of the Council agreed that [*interrupted by tea and coffee being served*] the Councillors at that time, in fact they weren't Councillors, there was Ian Walters and John Phillips told my friend that they were coming on the Parish Council. They were going to stand at the election of the forthcoming Parish Council to get rid of Joe Cullen. Paul's alright, he's not too bad but if they come as a package deal then he has to go as well.

MK – Alright. I was talking about witnesses

PC – Ros Casey, Caroline Blanksby, Tim Bartram.

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MK – Should we talk to them? It's my feeling we should talk to them.

PC – They were all sat there at that meeting.

MK – We will make efforts to talk to them. Shall we move onto the next complaint? The next one is about the Extraordinary Meeting and covers the three complaints 94,95,96 and the letter. I don't think you should read too much into the letter it's just a letter. It is alleged that you left your seat and stated that you were, and I've listened to this, stated that you were going to speak as a member of the public. Went to the public area where you made a personal attack on a Parishioner, verbal attack, on a Parishioner in a threatening and intimidating manner and the Chair and the Clerk had to persuade you to return to your seat. As I've said, this is captured on an audio recording which I've listened to and it does appear to me that there was certainly a disturbance, I heard you say that you were going to speak as a Parishioner. I heard you say that you were sick of it, a couple of times and we spoke to several witnesses who bear that out. Now, what's going on there Paul?

PC – So, that particular meeting was.....

MK – That was the Extraordinary Parish Council meeting on the 24th September at which a Parishioner stood up and made a statement but didn't stand up, I think she said.

PC – I remember it very well. The issue here, the particular Parishioner, this is John Phillips' wife, her name is Nicky Phillips. At the meeting, to give it a bit of background, in the Extraordinary Meeting in June, this was after her husband resigned from the Parish Council following the scumbag and drug dealer email. After he resigned, his wife and mother in law, who comes to a lot of meetings, I believe she is a Parish Councillor in another Parish. At the Extraordinary meeting in June, they stood up. Mark Bartram who wasn't a Councillor at the time but he's a very good friend of John Phillips. John Phillips' cousin, a lady called Alice Wilmott who is Pat Jenkinson's next-door neighbour. Pat Jenkinson, although you may not have heard her name, is very pivotal in all of this, she is Ian Walters and Mark Bartram's mother in law. It was her daughter who reported me to the Fire Service. So, there were a number of people at that meeting, Nicky Phillips included who stood up and it was an Extraordinary meeting, I can't remember what the agenda was.

MK – Was this in June?

PC - Yes, they stood up and they joined public participation and they made a verbal attack on both myself and Councillor Joe Cullen about conduct, about behaviour, there was some general comment about the conduct of the Council but I think it would be fair to say, the main thrust of the surrounding me and my dad. I sat there and listened to it and I never uttered a word. There was no acknowledgement from any of them of

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any wrongdoing by their loved one, John Phillips. It was really everybody else's fault except his. That did cause me some frustration. So, that was in June. July, I can't remember if there was a meeting or not but in September, I said to Deb Townsend, I want to speak in public participation, I'm not speaking as a Councillor, I want to make some observations of my own. I said, "Can I do it?" She said that I could. This is Deb Townsend the Locum Clerk.

MK – She said you could?

PC – She said I could. She absolutely said that I could. In fact, if I remember, although at that point in time I was neither audio nor video recording meetings. I spoke to her prior to the meeting and then she spoke to the Chair who was Phillip Allsopp and then when we got to public participation there was a couple of members of the public who made comments about various things and then Phillip Allsopp said to me, I believe Paul wants to say something.

MK – I'll revisit the audio.

PC – I don't think you will find any audio from the June meeting.

MK – Oh, we are talking June, are we? I was in September.

PC – What I'm trying to do is, I'm trying to paint you a picture of why I believe what I did on that evening wasn't extraordinary, I'd done it before and with approval. That is the actual transcript [Paul produced a document] of what I said at the June meeting with approval from the Clerk and the Chair and that is actually captured in the minutes of the June meeting.

MK – All of that?

PC – Well no, the transcript isn't captured, it just says that Councillor P Cullen spoke as a member of the public during public participation. I have got minutes somewhere. So that is the transcript that I actually said at the meeting in June and what I did, was make reference to all of the allegations. No, I didn't say it in June, it was said about me in June and in September, so in September, it will be captured in September's minutes, I actually read this out with approval.

MK – So that, that piece of paper, is what you said when you spoke as a parishioner on the 24th September.

PC – 24th of September is not when the allegation is made against me is it?

MK – Yes.

PC – Then no. In answer to your question, this is at a prior meeting.

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MK – This is at the Extraordinary Parish Council meeting on 24th September a Parishioner made a statement, pretty sure it is, about the need of the Council to I've got the text what was said, Paul.

PC – I understand that one, they're not the same meetings. If the dates are important then I'll find that out.

MK – What is important actually is this meeting, the 24th of September.

PC – At a previous meeting, with approval of the Clerk and the Chair, I stood up and spoke about comments that had been made about me during public participation at a previous meeting, OK? So that was that. The important thing in all of this is that I get no support from the Chair. I actually said to the Chair after that meeting where I did this. I said everytime they were very personal attacks, Paul Cullen, Paul Cullen, Paul Cullen and the Chair never intervened once. In public participation, you can only discuss and comment on items on the agenda. Paul Cullen wasn't an agenda item at that meeting but the Chair, because of his dislike for me, I suspect, allowed them all to make those comments about me. At the meeting in September when Nicky Phillips started to make her comments about an item on the agenda and it was very clear who she was talking about. I'd done it in the past, I'd spoken as a Parishioner during public participation with the approval of the Clerk, Deb Townsend at the time and it is now, and the Chair, Phillip Allsopp. I sat as the public, I never once directed any of my comments to Nicky Phillips. I addressed only Council in response to the comments that had been made. Nicky Phillips wants to go around the village whether it be me as a Parish Councillor or me Paul Cullen parishioner of the village and make allegations about my conduct and behaviour and accept no accountability for what her husband did in that email. Likewise, her mother and his mother in law, Sue Carter so it appears that there is now a family vendetta against me by that particular family. I was very clear what I was saying to Council that I did nothing, I wasn't the orchestrator of that email for him to refer to me as a scumbag and a drug dealer and if she wants a resolution on this, you've got the transcript there, then the place to come wasn't the Parish Council asking those questions, it was to ask her own husband, because that's the place where she would find it, not me, I don't know why he did it. If the Parish Council was to move on, it wasn't by allowing Nicky Phillips to come during public participation and discuss things that were not on the agenda. I actually said that to Phillip Allsopp after the previous meeting. You can't allow people to continuously come and there are occasions when he's said to people, "That is not on the agenda", and he will not allow them to speak on it but it seems when the topic is directed at me, he's quite happy to waiver that.

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MK – What was actually said, was “I was at the last Parish Council..... And you shouldn’t conclude Paul that Nicky has herself complained about this. There are four complaints about it.

PC – But you’re not investigating all of them?

MK – Yes, because they are all about the same issue. LAC/94, 95, 96 and the letter.

PC – But the letter is for 77.

MK – It was a device; it was written by the person who raised 77. OK? And they wrote further to that complaint. I can’t show you the letter, obviously. I wouldn’t worry too much about the letter, the point is that 94, 95 and 96 and the letter appended to 77, all address this issue, this incident.

PC – If one of the complaints are from, and I know you can’t do anything about this personally, but if one of these complaints is from the Parish Clerk then we shouldn’t be discussing it because she’s the very same person who has prevented me from obtaining professional legal advice by denying me the opportunity for me to have it as an agenda item. So I wanted it including as an agenda item and I’ve got the actual wording I keep sending through to her and she’s saying I’m not putting it on the agenda which is perverse if she’s the person who has put a complaint in about me has prevented me from seeking professional legal advice to defend myself.

MK – Well if it came to it Paul and it were relevant, you’d have to rise that at a Standards Committee if it came to that.

PC – I wanted to put a complaint in about Debs Townsend and Willington Parish Council’s complaints procedure said that complaints about the Clerk because in essence she is our only employee. Well not in essence, she is. Because there was a meeting that they held which wasn’t quorate and there was two Councillors and more so the Clerk because she should have known that she’s there to advise Council and I was told that the other two Councillors were John Houghton Vice Chair and Phillip Allsopp, Chair. The three of them had a meeting where they conducted business and made recommendations to full Council. I wanted to put a complaint in about Deb Townsend’s conduct and what does our complaints procedure say? It says I have to submit it to the Chairman, well the Chairman’s complicit in the complaint I want to make about the Clerk. So then what does it say? The Vice Chair well actually it’s the three of them and they wouldn’t allow me to make a complaint to another body. I can’t complain to Ardip Kaur because she doesn’t receive complaints about employees. I’m just trying to give you a flavour of where I am. To this day, I just haven’t been able to resolve that. I’m not asking you for an answer Melvin, I’m trying to give you a flavour of what’s happening.

MK – Yes, I understand. I understand what you’re saying.

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PC – The person who is making a complaint against me is the person who actually she should declare it to full Council, she shouldn't really be having any dealings with me per se because she should declare it to the Chairman who should then remove her. I shouldn't even be communicating with this woman and now she's saying, "You're not having professional legal advice," well actually, that's not for you to determine, that's for full Council to determine because it says 14.1.c in Standing Orders that I can.

MK – May I read out what was said?

PC – Yes, sure

MK – It says, *"I was at the last Parish Council meeting and heard first-hand the Clerk's report. Following valid points were put forward by the Clerk. The Clerk is there to assist the Council to move forward in a positive way. I can only see this as a good thing. Worryingly, there has been a high turnover of Clerks, I think this needs examining as to why. The Council is not functioning effectively, positive outcomes are difficult to achieve....."*

PC – Sorry Melvin, it's at that point, I'm just playing devil's advocate but it's at that point that Phillip Allsopp should have said, "Sorry, public participation should only feature items which are in the agenda." He didn't. He told me he was going to. He didn't.

MK – OK.

MK – [continued] *"Positive outcomes are difficult to achieve not always working for the benefit of the residents. If Councillors aren't working for the benefit of the Parish, who are working against the Clerk and other Councillors, I'd like to know what their agenda is. I was saddened to hear the Clerk has not been treated in the best way by some Councillors. I think we owe the Clerk a debt of gratitude for the work she has put into the report and how she wants to assist the Council to move forward for the ultimate benefit of all Parishioners. I'd now would like to say how this meeting proposes to take on board what the Clerk in good faith has said and carry out their responsibility as Councillors, so they are all working for the good of Wellington."* I think that was when you made your public statement.

PC – Public statement. Acting as a Parishioner, in fact I actually said this as I stood up when Phillip Allsopp said, "Does anybody else want to make comment?" I was waiting for anyone else from the public to stand up which they didn't. So, I said "I do but I want to speak as a Parishioner.

MK – Why did you want to speak as a Parishioner? Why didn't you speak as a Councillor?

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PC – Because, firstly Councillors can't respond to public participation. So as a Councillor, we have to discuss it as a corporate body before we give a response. If I responded to her as a Councillor, I would only be giving her my view and my opinion which is unfair, which Phillip Allsopp does all the time because I told him that you can't do that. Deb Townsend does it all the time. Can't do it. She was asked about an Extraordinary meeting one time and Deb Townsend said "Absolutely, one hundred percent, Extraordinary meetings are only for urgent business." I said to her "They're not", well I said after the meeting they're not. I didn't say anything to her at the time. I said "First of all you shouldn't be responding to the public, you might want to put it on the agenda for next meeting or give them a written response or put something on the website but you can't give....and you're not there to respond anyway. You're there to advise Council. So, in answer to your question, that's why I didn't. My assumption was, I've already done it in the past with approval from Council and actually you will probably know more about these things than I do. I have to look and study and look for these pieces of legislation but for me to speak, if I declared an interest in an item, I'd be declaring an interest on an item of the agenda. Then I can speak on it, in certain cases only with approval where I have to write for dispensation. In that particular instance where a member of the public says something with a Councillor doesn't necessarily agree with there is no other way for them to respond to it other than to speak as a Parishioner. Quite simply, it's not Willington Parish Council Standing Orders it's the Local Government Act, it doesn't allow anything else.

MK – Why then did you respond at all?

PC – It was borne out of frustration. Nicky Phillips isn't remotely interested in what's good for the village moving forward in terms of the best eleven people round the table and the best Clerk. I knew what Nicky Phillips was doing, she was seizing an opportunity supported by Phillip Allsopp, not necessarily supported by him but not addressed by how it should be chaired. It would be fair for me to say, if you watched and I don't want you to pass judgement but it would be fair for me to say as a Councillor, that he's a very weak Chair to the point where he's incompetent. Now also we don't have a very good working relationship which is John Houghton, who is the Vice Chair who I actually would say is an excellent Chair. OK? So, this is not about whether I think Phillip Allsopp is a great person or not, because I don't. I think he's a pathetic, incompetent Chair. I actually don't like John Houghton and he doesn't like me but he's an excellent Chair, I concede that. I would much rather, come the May election that John Houghton is voted in as Chair and not Phillip Allsopp. Phillip Allsopp had the opportunity to stop all of that prior to it happening and you would argue that Paul Cullen had the opportunity to.

MK – I might ask you that question rather than argue it.

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PC – Look there are things that have happened we spoke earlier on. If that had been anybody else other than the wife of the person who had referred to me as a scumbag and a drug dealer and to this day has made no apology for those comments, then expect my reaction would have been different. But I still don't think it was inappropriate.

MK – Certainly when I listened to it, it sounds heated.

PC – OK, first of all then I never once, I didn't even turn to look, both Sue Carter and Nicky Phillips were there. I didn't address them, I didn't look at them, I addressed Council, so that everything I said was to the ten people sitting in front of me and the Clerk. At that point, the Clerk and I have no idea why, I get why Phillip Allsopp would do it I don't understand the Clerk would do it decides that she is going to start shouting at the top of her voice, "No Paul, no". I don't understand why a Clerk would do that. It's not within her role. The Chairman by definition is there to Chair the meeting. She may well have wanted to say to Phillip Allsopp, "I think you should stop this".

MK – He did try to; I've heard him trying to.

PC – What he didn't do and what you will notice, I actually stopped. I actually stopped and what I did was pull it back, in fact there's a couple of things I want to pick up on there, I actually tried to be a bit more objective because you know, we've got Councillors around that table who you know, it was fresh in my memory who had referred to me as being a wanker. He's sitting there smiling at me while I'm trying to defend myself against his best mate's wife and decides to seize an opportunity to have a go at me in public, that's all it was about. At no point and she's screaming at me, she's screaming at me and at no point nobody tried to address her behaviour. I suppose another point for me is when we talk about "capacity" as well. I would argue given the fact that the minutes and the minutes will reflect this, what I said at a previous meeting with the permission, they knew what I was going to do. They knew I wasn't acting in my capacity of a Parish Councillor, I was acting in my capacity as a Parishioner and the reason I was doing that is because of the way Parish Council meetings are allowed to be conducted in line with the Local Government Act doesn't allow me to respond to, doesn't allow any Councillor to respond to members of the public during public participation and the only way you can do that is by declaring an interest, well I can't declare an interest because I have no idea what members of the public are going to say, so I can only speak then as a Parishioner.

MK – Can I ask then Paul, if you believe that you weren't in capacity are you satisfied that what you said would still have been appropriate if you were in capacity? Does that make sense? So, let's assume you were in capacity, were you still speaking appropriately in your view? Do you understand what I'm saying?

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PC – I do but I'm trying to shoehorn it into this particular scenario, and I don't think I can have acted in capacity in that particular scenario without being in breach of the Code of Conduct.

MK – Say a bit more

PC – If I was Councillor Paul Cullen, no I was very clear that I speaking as a Parishioner, if I sat there and responded to her and said the things that I said to a Parishioner and it wasn't meant to be nasty it was meant to be matter of fact. You've clearly got an issue with me, your husbands clearly got an issue with me and I have to respond to that. If I'd have done it as a Parish Councillor, I think I would probably.....I don't know it would be for people like you to determine, I would probably would think there would have been more of an argument that I would have been in breach of the Code of Conduct. I don't think I was in capacity. I honestly don't.

MK – And I'll ask the same, if it were your wife, question if you may. Forgetting Johnny Phillips.

PC – I can't, I can't, even before you ask the question. I know that I wouldn't even be able to give you an answer.

MK – OK that's fair enough. OK, anything you want to say about that Karen? Before we move on?

KP – Was the Clerk's report on the agenda?

PC – Yes, I think it may well have been. However, I'd asked for that to go on because I don't know, have you seen the Clerk's report? The Clerk's report is maybe just an agenda item.

MK – We have seen it in times gone by, haven't we?

KP – Yes.

PC – The Clerk's report is the one she refers to making allegations that the Clerk hasn't been treated very well and that we've gone through a number of Clerks. That unbelievably, you know if the Clerk genuinely believes that, I think we should be discussing that as an exempt item, I don't think that should be going out to the public domain. And that's what I'd asked for prior to that meeting. In fact what they wanted me to do in the meeting prior to that was to discuss.....the Clerk had spoken openly about her what she believed was the conduct that she was receiving and she'd put it in her report in the public domain. My view was, that shouldn't have happened that should have....she's more than at liberty to have her own views and opinions but that should have come to us as her employer and we determine whether that goes into the public domain, or as an exempt item. I'd asked for it very specifically to discuss this as

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an exempt item and they denied that, they wouldn't allow me to do that therefore I couldn't discuss it as I wasn't prepared to compromise her and myself by doing that.

MK – I'm conscious of time, it's half eleven, we've been going quite a long time. I'm going to move onto 103 and 105 which are both about the same alleged incident after the RAC meeting on the 4th November, this is the one I think where you are said to have gone along and started filming and because the agenda hadn't been posted according to the Standing Orders, so it hadn't gone up in time, the meeting should not have taken place ergo, the meeting shouldn't take place and I think you said that and Phil took a bit of consultation and the meeting was brought to an end.

PC – Yes, again it was embarrassing but it's important for me to give you a bit of background on the lead up to the meeting so as I've already said I was the I think there had been a footpaths group in Willington, I don't think it was attached to the Parish Council many, many years ago but I sort of reinvigorated that a few years ago, it has become, very well attended, it's got lots of non-Parish Councillors who are members of the Committee, so non Councillors with voting rights. It's a very, very successful group and it will only get stronger. All meetings of the full Parish Council or sub-committees or committee meetings have to give the Statutory three days' notice and the rules around that don't include the date of posting, weekends and day of meeting so. I posted footpaths meeting. There's a notice board, probably the nearest notice board to both myself and Phil Allsopp's house and to comply there's occasions when its last minute. Sometimes it's like "Oh I haven't posted the agenda for the footpaths meeting, if I don't get it up tonight before midnight, I can't have the meeting" so it will be like the night before it will go up. It only has to go up in one place. I then go walking the dog at night-time only to find that the agenda I have posted has been removed from the notice board of which he's admitted doing. No, he didn't actually admit it, he didn't say I've done it, but he didn't deny it. So I can't prove that he did it which was petty and again, by removing it, it has to be placed in a public conspicuous place in the public place three days before, so by him removing it, it wasn't placed in a conspicuous place three days before. So, to this day, a every time I post a notice, I take a photograph of it straight away so if he removes it it's his choice and there have been some removed since. So that was in the lead up to the meeting. On his particular meeting on that day I think it was a Monday meeting which means you have to post it on Wednesday. He posted on Thursday which meant he hadn't given the statutory three days' notice. So, I went to the meeting and yes, you're absolutely right, I challenged him on his statutory notice. He clearly didn't have a clue what it was. He said, "Yes, you're absolutely right, it's three days" and I've given it three days. I think you know everything else. The only other thing I'd say on that really is that it's embarrassing he is such a poor Chairman to the point where he was going to carry on with the meeting. Which clearly, under the legislation he can't do but the important

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thing for me is, the meeting started, he did his introductions, he did his declaration of members interest and he got to public participation, I don't sit on that committee and it was at the point we got to public participation that I raised my concerns so there again, I don't believe that I was, you know, I don't sit on that committee, it wasn't ambiguous, I didn't sit around the table with them I sat with the public, there was only one member of the public which happened to be Sue Carter so I don't believe I was in capacity.

MK – So, it is alleged that after all that had happened and the meeting had closed down, you lost your temper with an older female Parishioner.

PC – She actually gave her name on that one.

MK – Did she? You attended the meeting, pointed your finger at her in a menacing way, verbally abused her before leaving the building. Your behaviour is it is alleged was, quote, “Nasty and menacing and the Parishioner was distraught and distressed and burst into tears as a result. It is further alleged that after she spoke about notice boards or something. After she'd finished speaking and left, or partly left, you stormed back and went to Councillors Ros Casey and Caroline Blanksby told them to, “*Stay put and listen to what **she**, the Parishioner said and to let you know, what **she** said.*” The Parishioner, **she**, being the operative word. The Parishioner shouted out, “*Who do you think you are calling she?*” You, it is alleged, pointed your finger at her in a menacing way in a stabbing movement saying “*You, you, you.*”

PC – There are a few inaccuracies in there but generally speaking, I mean, I didn't leave and come back it was all in one but I absolutely said to Caroline Blanksby and Ros Casey but I didn't ask them to stop because I know they've bad mouthed me in the past and that she will bad mouth me in the future.

MK – She, being Sue Carter

PC – Sue Carter, yes, mother in law of John Phillips.

MK – So did you do that?

PC – I mean, it's all about perception isn't it?

MK – It is, yes.

PC – If her perception is that I acted in a menacing manner and pointed my finger, her complaint surrounds, for me, it would have to be, I would have to be in capacity for it to be a Code of Conduct complaint. I never gave anyone the impression, including Sue Carter that I was there in anything, I've got the audio recording of the entire

MK – Can you share that with us? I don't think I've got it.

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PC – No, nobody would have unless Phil Allsopp or John Houghton have because they were both there.

MK – It would be good if you would share that with me.

PC – I think for me, before I would do that, I'd just need to understand that, I think I've said it in email to you and I've said it here today, I'm kind of comfortable in my own mind where I'm going in the future, I don't know when that will be, I'd like to think it will be when you have concluded your investigation and the Monitoring Officer has made her decision on how she wishes to proceed with it because if it does go to Standards Committee, then I would want to attend and defend myself there as well. So, I suppose what I'm saying is that for me to share the audio recording with you now, if I was sat on that committee and I was acting as a Parish Councillor, I would have no objection to sharing it with you quite freely now but I don't feel that I have to.

MK – You don't.

PC – No, no, no this is no sleight on you, I don't feel that I should have to justify my actions when I'm acting as Paul Cullen, number 12 Tailby Drive, Willington, Derby. Otherwise it just becomes an open duck sheet. In fact, do you know that's a really good point because I do when I go out now, I've got like a body harness and this goes out with me [PC picks up a small Dictaphone] under my coat and if I see John walking across the fields, out walking his dogs, it comes down and it's turned on. So, I was very clear, at that meeting that I was acting as a member of the public.

MK – OK, all right.

PC – I don't sit on that Committee.

MK – No, I understand.

PC – I don't sit on the RAC, I sat as a member of the public, I sat with Sue Carter. I fail to see how I could have been acting as anything else.

MK – So if you had been in capacity. If you had sat on that Committee are you saying that there would be a legitimate case to question your behaviour towards her?

PC – No, no.

MK – You're not saying that?

PC – I'm not saying that. I'm saying I'd share the audio recording with you because it would, you would then be able to conclude your Code of Conduct complaint. For me, I'd take it one step further back because I don't think it is a Code of Conduct complaint.

MK – But did you do what was said? Was there a shouting match? Did you point your finger at her?

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PC – No, no, I said to Ros and Caroline can you just make sure you stay, in fact I didn't say make sure you stay, I said, just can you make sure that if she says anything about me because as I walked out of the door she stood up, in fact, before, while Phil Allsopp and John Houghton were having their deliberations about surrounding whether there should or shouldn't be a meeting and they were going to continue and then they weren't going to continue well it's 3 days' notice, well I think Thursday's are counted, what do you think? Well I think it is, well shall we carry on? Well I'm not sure. Sue Carter then goes, "You know, I think we should continue, I think it would be a great shame for the meeting not to go ahead, there are important things to discuss". Absolutely, I couldn't disagree with anything she said I never said anything, I never spoke to her at all. Phil Allsopp said "That's it then, I'm shutting the meeting and he said "Thank you Paul" to me. I said "I'm going now, can you just make sure they don't say anything about me" to Caroline and Ros and as I'm walking out the door, Sue Carter stood up and doing the exact thing I thought that she would do which was started to say "I see he's got his own way again, see what he's managed to do now" or something. So that's when I turned around.

MK – All I would say Paul, if you could see your way to share that audio with us, then I would know that wouldn't I? I'll say no more but I would know that, and I would know what had been said, end of.

PC – Yes, no but then.....it's just honestly, it's purely about if I was sat on that Committee as a Parish Councillor, then I would let you listen to it. I don't see why I should have to.

MK – You don't have to. I'm saying that we're here to investigate it. If you are able to demonstrate that that is indeed what was said and that it was very low key and there was no jabbing of fingers and so on and so forth then it helps doesn't it? Because like I've said to you my interest is in getting a balanced view. I want to get to the right result as it were and if you've got an audio of it then that helps me get to the right result. There may be one but I'm not aware of it.

PC – There might be one, I don't know. I know I've got mine because what we spoke about earlier about protection, I mean that's what it's there for but I just, I genuinely don't understand why I should have to justify my actions when I'm being investigated under a member Code of Conduct Complaint when I wasn't acting as and very clearly not acting in my capacity of a Parish Councillor.

MK – OK. I can't say anymore, and I've asked you and you don't want to share it so let's move on.

PC – If I was, I would share it but if I wasn't, so I absolutely wasn't. The only other point I'd mention when the complaint came through about November, I have it here 103.....

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MK – 103 and 105, is that what we are talking about? Sorry, are we talking about this one or is there something else?

PC – No, 103. 105?

MK – 103 and 105 are about the same incident. There are two complaints about this incident.

PC – So, 103 complaint, this is going to sound like I'm being pedantic but I'm trying to defend myself. It says "I have a right to inform you that I've received a complaint about your conduct. The complaint was received on 30th November. The allegations relate to your conduct at Willington RAC Committee meeting held on the 4th November. I have asked, and I have searched the website, I searched it again before I came out today and I've asked at numerous Parish Council meetings for minutes of the RAC meeting from the 4th November and there isn't any.

MK – I presume there wouldn't be if there wasn't a meeting.

PC – But the charge lodged against me is my conduct at the RAC meeting on the 4th November and as I say, you understand why I feel I'm being pedantic because there wasn't a meeting on the 4th November.

MK – OK.

PC – And if there was, I wasn't acting in capacity.

MK – So you're saying that if you had been acting in capacity then your behaviour was appropriate.

PC – Yes, absolutely.

MK – OK. Let's move onto the very last one, which is a bit more complicated in that it's about emails that were directed at the Chair. I didn't want to give you a list of emails Paul, but I've got text of them.

PC – I'm just going to log into my email account now.

MK – Yes, please do.

PC – OK.

MK – OK, right, I'm looking at a first of all, the complaint refers to you twice copying Phil Allsopps email address to people outside the Parish Council without his permission.

PC – But you're not investigating that.

MK – let's just say we have investigated it because there is prima facia evidence that that actually happened and it will go into the report that it happened but we don't

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believe..... you just did it, there was no malice behind it. You just did it, there was no harm done, it was pretty trivial end of.

PC – Can I just have one comment on that?

MK – Sure.

PC – So all Parish Councillors have the facility to have a @willington pc.org email account and Phil Allsopp, he's not on his own, chooses not to have an account, so in the event that he chooses not to have that account, I suspect that myself and others, on occasions, when email circulations have gone on have done that.

MK – Yes, I think that we accept that. I will have to refer to it because it's part of the complaint but I will simply say, for want of a better phrase, I think the word we've used in there which is one of our favourite words, it's nugatory.

PC – I didn't know what that meant.

MK – No, we play about with it actually sometime. It kind of means, of no real consequence. So, I mentioned that in the sense of completeness because I believe it's in that complaint. So, the first email I have got, Paul is dated 5th June 2019 at 15.58 and I've got the text here.

PC – This complaint number is?

MK – 86. Dated the 19th August

PC takes a few minutes to find the email

PC – I'm sure I've seen it

MK – It's basically says, the complaint is that *you sent a series of abusive and vexatious emails to the Chair over a number of months in an effort to force him to resign*

PC – OK

MK – So whilst it's dated the 19th August further emails came to me and said that that was still happening.

PC – But no further complaints came to me.

MK – He was adding to the earlier complaint.

PC – OK.

MK – So I know what's going through your mind Paul.

PC – Yes, so I should have received another complaint, you can't keep bolting things onto a complaint, even you can see that.

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MK – I just have to deal with what's in front of me.

PC – OK, so I'm not happy. I'm not happy anyway but I'm really not happy if you want to discuss anything after the 19th August.

MK – OK, let's have a look. There are two after that day.

PC – Do you know when?

MK – Yes, yes, I'll come to them. The one's that I'm talking about are largely in June.

PC – OK.

MK – Right, so if you don't want to discuss the ones after.....

PC – If you won't be able to conclude your investigation for the sake of discussing two emails if I choose not to discuss anything I haven't been notified about?

MK – If you don't want to talk about the two emails which post date 19th August, that's up to you.

PC – But you won't be able to conclude your investigation?

MK – There is nothing to stop me referring to them as background information, just as I can refer to anything at all as background information because to be clear, this isn't as it were a criminal trial it's not beyond reasonable doubt, it's on the balance of probability, it's effectively a Civil, it's not actually even a civil, it's the same burden of proof that you would have on a Civil. So, it's entirely up to you if you talk about them at all. I can't make you talk about any of it. 5th June at 15.58.

PC – I sent?

MK – Yes, you sent it to the whole Council

PC - I haven't got that one.

MK – You haven't?

PC – Well I'm only referring to the ones that I've sent to Phil Allsopp.

MK – Oh right, OK well he was copied. Well you can look at it. [MK passes PC the email] You can't take it away, but you can look at it.

PC – Is this the whole email trail where you read back to front?

MK – I believe, that's what I have got as evidence, I don't know what the rest of it is about.

[PC takes a couple of minutes to read the email]

PC – OK

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MK – So, the complaint refers to Chair and Vice-Chair “freelancing and failing to communicate with the wider Parish Council” and the need for the Chair to work “diligently all day to see what action the Parish Council could take against Councillor Johnny S Phillips for his vile racist, discriminatory comments”. This should apparently have taken precedence over the financial audit which was taking place.

PC – Financial audit?

MK – I make no mention of a financial audit in my email, sorry.

MK – No, no. So, I think this is about the tone of the email and the suggestion he’s freelancing and failing to communicate, and he should be working diligently all day for the Parish Council to take action against Johnny Phillips, so that’s the first one.

PC – I have one more question, can I just look at that again?

MK – I suggest you make a note of these of what they are Paul, there’s paper here.

PC – This is 5th June.

MK – Yes, 15.58. From you to the wider Council.

PC – Oh right yes, so it’s to the whole Council.

MK – Yes.

PC – OK yes.

MK – So he considers that to be abusive.

PC – Right, I don’t consider it to be abusive and as I sit here today, I think that that is a perfectly legitimate reasonable email for me to have sent and I don’t feel I need to justify anything in there.

MK – Fine.

PC – I think again, it’s this perception of what other people find. He is the Chairman of the Parish Council; he has a duty to consult. He failed to consult. Not for the first time, I have challenged him on this, on a number of occasions and will continue to challenge him as long as he holds the Chairman’s position and I will challenge subsequent Chairs on this. They are not there to make decisions in isolation, they don’t have any executive powers unless we give them those powers by special motion. We have done in the past, but Phil Allsopp does not have them. He had no right acting in the way that he did on that day. I understand he was trying to aid and assist the Parish Council, but he doesn’t have the powers to. An Extraordinary meeting where we sit down and discuss it while a plan or a strategy to move forward. He wants to do what he wants to do. For me, I think that is a perfectly reasonable and rational email to send and to challenge him.

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MK – That’s fine. Let’s move onto the next one. This is dated, headed, “*Role of the Chairman*” and it’s dated the 6th June at 16.06 and there is a trail that goes with.

PC – From me to the Chair?

MK – To Phil Allsopp, Caroline Blanksby and Claire Carter and then copied to what looks like the rest of the Council.

PC – OK.

MK – Again, you can look at this Paul to save faffing around on that [mobile phone] if you want. [MK hands PC the email text] So this refers to the Chair and the Vice Chair and you, quote “*absolutely not wanting to understand the role of the Chairman because I’m actually knowing the role of the Chairman*” it refers too to the “*maverick manner in which you have acted in your first month in post*” the view is that you were trying to get him to step down.

PC – [takes a few minutes to read the email]

PC – Yes, that’s fine. So, the role of the Chairman is pretty much exactly what we’ve just been discussing which is desire to freelance and not consult Council. What he did was send out an outdated document of the role of the Chair and I actually sent him an attachment of the up to date legislation, not so much legislation but guidance, I think it was from “*The Good Councillors Guide*” about the role of the Chair. As I said to you, I try to go armed with and I understand that it might not be palatable and that people didn’t like me as a person, and don’t like me in the way I come across, I get that but that doesn’t give you carte blanche reason to act as you see fit. You still have to consult the Parish Council. I can absolutely guarantee you if I went off and did something, I can give you an example of that in a minute, but they’d be all me like a rash. I’m slightly embarrassed of the fact that Ardip Kaur has seen fit to put these through to further investigation.

MK – I don’t know to what extent Ardip has seen these, I assume they were attached I think they probably were attached but I can’t comment on what Ardip has done or not done. I don’t know.

PC – I would be embarrassed that a Monitoring Officer has seen fit to put forward to further investigation because, although some people might not like them, I don’t think there’s anything in there derogatory, I don’t think there’s anything in there I can’t back up. I think he has acted in a maverick manner and I think he continues to this day to do so. I’m more than happy to discuss these issues with him. Perhaps during the mediation, you referred to earlier, but yes, he sent through an outdated document. I know what the role of the Chairman is, and it doesn’t include Phillip Allsopp going off freelancing at will. That’s the point I’m trying to make.

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MK – What do you think the role of the Chair is Paul? I mean, I'm a Chair, Karen's a Chair.

PC – I'm a Chair, I Chair many meetings at work but with the Local Authority, it's slightly different because you are very specifically, and he understands what I'm getting at, he is there to control the meeting to make sure of the ebb and flow of the meeting, you know, to make sure that everyone gets listened to, to make sure everyone gets the right air time, he stops people when he needs to and move on. Some of the things I don't think he has the responsibility to do are, consulting with the police, bringing police to the meetings. I don't think that, that's his responsibility. I have actually written emails, probably last week or so about this very same issue. I don't think it's his responsibility to go and speak to the compliance/monitoring officer at South Derbyshire District Council in order to obtain the services of a new Clerk. Which that's about? The Parish Council, what I was trying to explain to him to him that the Parish Council can function perfectly legally with a Parish Councillor taking over as Clerk as an emergency measure. He didn't want that, he wanted to go off and he wanted to speak to the Monitoring Officer, to the police, who else? To DALC, DALC is probably useful. And I don't have an objection to them per se as long as he brings back some. Actually, I do because I'd be contradicting what I'm saying. What I would prefer to happen is that we have the debate and then he goes away with a little package of proposals that we've all put forward. Surely that's how it should work. In terms of that email, again, I stand by it.

MK – OK

PC – I don't think there's anything wrong with what I've said there [PC hands MK the email back]

MK – Right let's move on. This is the 11th June, again, if you want to make a note of it. It's the 11th June, 17.09. And whilst this is to John Houghton, it copies Phil and the rest of the Council in.

PC – You know, he's actually said at the Parish Council, this is the Chairman, he said that he did respond to one email once about something because he said at Council, "I don't respond to emails", which I thought was a strange statement for a Chair to make.

MK – I think he would argue that he doesn't like the tone of some of the emails and therefore he doesn't reply to them. I'll say no more about that.

PC – OK, I understand that yes.

MK – And I think he's probably said that.

PC – Right. I think I would argue that.

MK – You'd have to look at the audio and things.

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PC – The audio of the.....?

MK – No, I'm just saying as to whether he said such thing.

PC – Oh, right yes. [PC takes a few minutes to read the emails]

PC – OK, yes. The pissing competition specifically relates to a phrase that John Houghton uses a lot and he's put in emails a lot as well. This isn't a pissing competition, we all know what that means, so that's what I'm trying to say to him there. But again, the main body, the content of what I'm saying, I absolutely agree with. Unless you are given delegated powers, that's what we've given the Finance Committee so the Finance Committee should have discussed that we shouldn't be waiting until the eleventh hour to be discussing the £14,000 discrepancy. It should have gone to finance, it should have come back to full council, that's how these things work. It's not for John to meet. In fact, John has compromised his own integrity by meeting the independent auditor on his own.

MK – I don't know.

PC – Well they're my observations Melvin, so again, yes it simply isn't good enough, the Chair and the Vice Chair are both freelancing.

MK – Well this is about whether it's abusive and vexatious.

PC – It's a matter of fact, they did it.

MK – OK, let's move on to.

PC – I just want to say for the recording, there's nothing abusive in this at all.

MK – This is the 11th June at 17.09.

PC – Yes, nothing abusive in there. To be very clear, the "pissing competition" and I haven't written the word "pissing" relates to coin a phrase that John Houghton uses on a regular basis and actually has put it in emails. If you'd like a copy of that email, I'm more than happy to forward it to you.

MK – OK. This one is dated 12th June 2019 at 20.48 and this is to Billy Randles. I don't know who Billy Randles is, I know he's bound up with Liverpool but that's all I know. Who is he?

PC – I have no idea; I genuinely have no idea.

MK – I'd like to know why you're writing to him if you have no idea

PC – I'm writing to him in response to the email trail I would imagine, I'm probably responding to an email that he sent. Billy Randles is clearly to do with the scumbag and drug dealer thing.

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MK – Yes, it is but again we've seen his name, but I don't know who he is.

PC – No, I don't. I assume he's read the Liverpool Echo.

MK – So he's not somebody you know.

PC – No, I don't.

MK – I think the sentence which may have caused offence is that one.

PC – So this is being treated under 86 and not under the scumbags and drug dealers one which you're not investigating.

MK – No, I'm not investigating scumbags and drug dealers.

PC – OK and I now we've discussed it, but I've never had an apology from full Council but that's an observation.

MK – I guess, though I don't know that the argument would be that it's a private matter.

PC – I do want to touch on that as directly related to this because this particular complaint because.....do you want me to do it in a minute? Do you want me to hold that thought and just rattle through these?

MK – Let's rattle through them, I mean if you want to say something generally about scumbags, drug dealers, mega bus blah blah blah, happy to hear it.

PC – No, it wasn't so much that, it was the fact that, and it's quite ironic, so I know that conversations are being had that I've not been involved in but the fact that it's not been investigated because it's deemed a private matter between two individuals is exactly the same reason that the Parish Clerk gives me for not including it as an agenda item. I've been asking for that as long as I've been asking for the other issues and that's exactly what she says to me.

MK – It means he wasn't in capacity really.

PC – And that's the point I want to make really because the scumbag and drug dealer issue, mega bus, I'll book you a seat and pay for it it was sent from johnphillips@willington.org.uk to paulcullen@willingtonpc.org.uk whilst we were discussing, if you look at the subject matter, we were discussing a car boot sale. So, two Parish Councillors on a parish Council email address discussing a Parish Council issue is deemed to be a private matter between two Parish Councillors.

MK – Well, that's my understanding. The fact that you are using a Parish Council email address doesn't necessarily mean that you are in capacity.

PC – Right, OK.

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MK – It gets very difficult around social media for instance where people. It's very tricky.

PC – That surprises me.

MK - Well the point is, that John Phillips is no longer a Councillor.

PC – Yes, I suppose where I was going with it was, for me and you've just told me something I don't know there, I would have thought that if you were using a willingtonpc.org.uk email account then you were in capacity but you've cleared that up for me.

MK – Others might have a different view, but my view is it's not de facto that that's what it is.

PC – I'm giving my view and opinion to Phil Allsopp and John Houghton from my Willington PC account.

MK – What matters is, the content and what you're talking about.

PC – And do you know, that's why what really concerns me that the other allegation has been dropped against me because I would have welcomed the opportunity to clear my name of any wrong doing in that one and that is the one that there's no desire to pursue an allegation against me for and I suspect I know why because it clearly would not be good.

MK – Well we've not been asked to look at that.

PC – OK.

MK – I'm not the font of all knowledge on this you know, there are people who are. I suppose it's the same in your job Paul, people have differing opinions about things but there has to be more than a kind of. It depends what you're talking about and what you say and what position you take in relation to a given issue. It's complicated.

PC – No it's not, I realise you have to be the.....

MK – Well I have to make my judgements and I do consult with others who know about these things as well as myself and Karen and others.

Pause whilst PC reviews the email.

MK – I think the offending paragraph is the one that is sort of highlighted on there. That first sentence that ends in "*will do well to remember*"

PC - If the need arose, tomorrow and clearly, I've copied everybody in, I'm not trying to hide anything. If you look at the Nolan Principles, I could have not copied everyone in, and I could have emailed him back and said what an absolute idiot he is. I haven't,

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I've copied everyone in and the three that you've shown me up to now, if the need arose and I felt it necessary to do so, I'm not being abusive, I've not use any....I don't think I have.

MK – OK, there are one, two, three there are four more if we exclude the two you don't want to talk about, this one is about this is the 14th June at 22.00. I believe. No, there's another one here, this is the 13th June early in the morning. It's a Billy Randles one, I think.

MK hands PC the email

PC takes a few minutes to read it

MK – Now this is just a follow up to what we've just discussed, so that's not really relevant, so I'm back to the 14th June at 22.00 and it has an attachment to it and I think it's the attachment that's relevant. But obviously there's that.

MK handed over the documents

PC takes a few minutes to read them

MK – So this is an email requesting an Extraordinary meeting which included an attachment suggesting, quote *“that the Chair has refused to answer very open, honest, and straight forward questions. Councillors Allsopp and Houghton appear to have a misconception that their role brings with it, superior executive powers which of course is clearly not the case. In order for the Council to move forward in a more harmonious manner, it is of paramount importance that Councillors Allsopp and Houghton have a full understanding of their roles and responsibilities”* and that's it.

PC – I stand by it. I would be happy to ask for that to be included as an agenda item at next week's Parish Council meeting and I probably wouldn't alter the wording much.

MK – Next one, 18th June 21.14.

PC – Melvin, can I just ask, the complaint 86 which we're discussing now has come across to you from the Monitoring Officer so you've received a block number of complaints and 86 has come across with all the other complaints so the Monitoring Officer has deemed these emails require further investigation along with the 103's and whatever.

MK – As I said Paul, I don't know to what extent she had pawed over the individual emails you'd have to ask her. But I have been passed complaint number 86.

PC – Right, OK.

MK – This is the 18th June at 21.14.

MK passed the email to PC

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MK – If there are anymore emails, I will ping them across to you. I think there are a couple anyway.

PC takes a few moments to read the email.

PC – Which bit in particular?

MK – It's the bit....I would just read where it says *"I would just add that the behaviour of some Councillors and their inability to communicate is really very disappointing"*

PC – Yes, so it's just that last bit. Yes, we have a Chairman who won't respond. I ask for read receipt and this is actually, really important because I'm asking for an Extraordinary Meeting, which I'm entitled to do. He's failed to acknowledge that. Again, if the need arose I don't think I'd alter that, I'd send it again tomorrow.

MK – Alright.

PC – I'm reasonably confident that the content of my emails is always appropriate, so and I thought that you'd be, not deliberately or intentionally, something out of the hat the two emails post August.

MK – No, no, I wouldn't do that.

PC - So I would actually like to see those as well, although I'm conscious of time.

MK – This is 19th June 19.45 and the second paragraph is what seems to have.....

MK handed PC the email

PC took a few moments to read the email

PC – OK, I think the only thing that I would concede on this one, although I have to say that I don't find the content of the email abusive or, I don't know what's the allegation?

MK – I think it's vexatious.

PC – There's nothing vexatious in there, there's nothing abusive in there. If I was writing this email tomorrow, I now know that.....I'd asked for an Extraordinary Meeting and I'd sent some agenda items across. If the Chair fails to call that meeting within seven days, you can proceed. The Councillors who have asked for the meeting can proceed and they can actually construct the agenda because we were getting no support from Deb Townsend on this. When the agenda came out, as I put in my email, there's nothing, basically, which she has the right to do but she must consult with you she has to ask for clarification on points you are making. She just can't make wholesale changes to it. If she's got a legitimate concern, it's her responsibility to raise them with you. The only thing that she can do is correct grammatical errors without consulting you but the content of it if she wants to change it, she has to discuss it with

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her. If you don't agree that, she actually has the power nit to include it in the agenda which doesn't sit comfortably with me but accept that's what the law says but she didn't do that in this instance. She just constructed an agenda of the things she wanted. Well, I'm not sure if she wanted them but it was certainly not what was asked for. That's what I was challenging her on. You know, I say about taking the agenda down, perhaps what I would have done is put an agenda next to it. Or, perhaps raise it in pubic participation in another meeting. Again, I don't think there's anything abusive in there, I don't think there's anything vexatious I don't think there's anything that I wouldn't put in an email tomorrow.

MK – OK this is the last one.

PC – What was the date of that one?

MK - 19th June at 19.45. This last one is 20th June at 12.14. This is about litter picking. I think that your main piece is that front page.

PC – Oh, OK. I can get by this. Phil Allsopp had made reference to.....hang on, let me read it first.

MK – Yes, you read it.

PC – OK, I haven't read the whole thing, but I've asked him on numerous occasions. I just didn't want to re-invent the wheel. He told me at a Parish Council meeting that the RAC have conducted litter picks for which they haven't got a risk assessment.

MK – His concern is that you have said in a public forum, there and there, you have basically accused him of dishonesty in that the litter picks did not take place.

PC – Well if they did take place then all I want to see is the risk assessment for it to save me having to construct another one. I'm asking for the method statement and the risk assessment that the RAC have carried out so that I can merely use them for the Footpaths Group.

MK – What he's saying is he doesn't like the I suspect the *“Now, I suspect that you haven't forwarded the items I've requested as the truth is the RAC carried out no such events and you're probably feeling a little embarrassed that you mislead [sic] both Councillors and members of the public at the May meeting, (of course no suggestion on my part that you do this deliberately). So, could you either send me the information or retract your statement that the RAC have carried out the litter picking events?”* He is adamant that the litter picking events took place and that there is evidence that they did take place. It's not about the risk assessment, it's about your suggestion that they didn't take place.

PC – Why hasn't this come back to full Council to be discussed?

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MK – I don't know.

PC – First of all, OK, so he did say, I don't think he's denying that at full Council that this was all surrounding a decision made by six Parish Councillors to disband the Footpaths and Open Spaces Group and one of the things that the Footpaths and Open Spaces Group have, including this morning is a schedule of activities throughout the year, so it's all programmed in throughout the year. We'll do footpath 7, footpath 8 public open space on the Willington Arena so we know what we are doing. Six members of the Parish Council chose to disband that group, so none of that would be taking place, so I said "well we're losing the litter pick" he said, "well the RAC do it", I said, "well I don't recall the RAC ever doing a litter pick", he went, "yeah they have", so I said, "can I see your risk assessments then?", you know, because we could have used them, in fact, we actually used the South Derbyshire District Council risk assessment in the end. I want to be clear that, if the bit that's upsetting him is my suggestion that they never took place and he has evidence to support that, I would have thought that a better way for him to address this would have been for him to discuss it at Parish Council and he could have told me and he could have showed me, I can't be clear, I've been a Parish Councillor now since 2014. I was co-opted on the December before that, so the back end of 2013 which was before Phillip Allsopp became a Parish Councillor and the RAC to my knowledge have never conducted a litter pick or any kind of community event whatsoever. Phillip Allsopp went out and did some litter picking prior to the 2019 elections with his son, which was posted on social media and simply asked for some help. "Me and my dad [because it was Darren Allsopp's post], Phillip Allsopp who's standing for election at the forthcoming Parish Council election, standing for office, will be carrying out a littler pic at this date and this time", and that was it. The RAC committee, I can categorically, I can assure you, as I sit here now have never done a bone fide authorised, litter pick. We have to have a schedule of events to do ours, they've been very clear about that to comply with Health and Safety, insurance purposes. They actively go out of their way to try and stop us doing it. They actively go out their way to put obstacles in our way to stop us doing our events. So, for the Footpaths Group to jump through the hoops to carry out a litter pick, I would have known at full Council, that the RAC would have had to do the same and they haven't. So, if the suggestion is that he's not telling the truth then that is an accurate judgement on his behalf because he's not.

MK – What he has said is that after he joined the Council, he and the then Chair, Cliff Warner?

PC – Yes.

MK – Had organised a litter pick which was done under the edict of the RAC Committee.

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PC – Absolutely not.

MK – The then Clerk, Jackie Storer sourced the necessary bags and equipment for the pick and the litter they collected was picked up by SDCC the following day.

PC – OK. I'm not saying that that didn't happen, but it didn't happen as a function of the RAC Committee. For all of the activities that we have carried out, including today, I can give you evidence and the risk assessment, we save everything for this exact reason, we save everything electronically, so if you were to ask what the Footpaths and Open Spaces.....do you know, we have two groups who want the same outcome for the village fighting against each other here, it's ludicrous. Because, you know, he wants to.....I know what he wants and ultimately, he'll get what he wants because I will be resigning but the suggestion that they have done it under the umbrella of Willington Parish Council, I would know about it because we have had to have discussed it at full Council and we would have had to see the risk assessment we would have had to ask our insurance providers because have people joining in the litter picks who are not Parish Councillors. So, we have to make sure everything is crossed and if you want evidence from Footpaths that that's happened, I can give it to you. I'm guessing that Phillip Allsopp won't be able to give you that information. He's carried out the event absolutely, but not as part of the RAC.

MK – I think his concern is that you are accusing him of dishonesty now in the fine detail of it, I don't know but it seems to me he did carry out two litter picks. One in perhaps a private capacity and one in some other capacity.

PC – I would argue he didn't and if his suggestion I'm accusing him of being dishonest in his role of the Chairman of the Parish Council then he's accurate, I am accusing him of being dishonest.

MK – Right, on the grounds that.....

PC – That the litter picks that he was involved in were not carried out under the auspices of the Recreation and Amenities Committee. I know that he absolutely carried out the litter picks, I saw the picture that he posted on Facebook, but he didn't do it because I would know. I fail to see why I wouldn't know; I don't miss very many Parish Council meetings and I don't recall it being discussed. Anything that's discussed at RAC has to be ratified at full Council and I don't recall it, I will go through the minutes when I get home tonight but I'm absolutely confident that it's never been discussed.

MK – There are two more which I think you are saying are outside of the scope.

PC – I'm happy to....

MK – We can look at them. This one is the 9th October at 23.19.

PC – At what time?

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MK – 23.19.

MK handed the email to PC

MK – And that final sentence is what he found threatening.

PC - No, I stand by that. I stand by that paragraph. If he finds it threatening, again, that's perception and that's unfortunate but my perception, because actually, you know, with the wind in a different direction, you could be sat here interviewing Phillip Allsopp about his hostility towards me, if I'd have made that complaint, which I didn't. At that meeting, yes, this was very much about supporting the community, a planning development which he voted against supporting getting independent professional advice, against the planning application. I would have referred to the urgent business, yes. Claire Carter, John Houghton and absolutely, absolutely the locum Clerk were all hostile towards me. And I hope it doesn't continue or become the norm because I won't accept it.

MK – What did you mean by “taking him to task”, or “them to task”

PC – Right, so.

MK – What does that mean?

PC – Probably, I suspect, what I've just alluded to him sitting here in front of you. Look there is no suggestion, absolutely.....I would have no hesitation in reporting any of them to the Monitoring Officer if I felt threatened or intimidated by their behaviour. Monitoring Officer if it was a Code of Conduct complaint and the police. Which I have done, John Houghton and Phil Allsopp for what I believe is a criminal act, I have done. I would take them to task for it, absolutely.

MK – OK, this very last one, you'll be pleased to hear is the 7th November at 20.19.

MK passed PC the email and PC took a couple of minutes to read through it,

PC – Is there a specific bit that he.....?

MK – I think it's about the tone of it.

PC – I think we may have touched on this.

MK – We've touched on the subject matter.

PC – Yes, which was the meeting we held when I wanted to make a complaint about the Clerk of which he was involved in and the Vice Chair was involved in, so DALC was saying I should put a complaint into the Chair and I said, “how can I because you are involved, there must be another option”. He clearly wasn't prepared to look at that so, if you're not prepared to look at it, can I? So, I'm asking permission from him, so I can take it to full Council. If I can go and seek some guidance about it. He never got

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back to me, so I asked him for an update, in fact, I think I asked him for more than one update but he never got back to me, so it's just died a death, well the Clerk resigned but she's back now again. I think it's reasonable. Does he think I'm being abusive?

MK – Well, these may be my words, but it is abusive and vexatious I think.

PC – Vexatious? Vexatious would mean that it's false.

MK – [reads from the complaint] “Disrespectful, abusive and vexatious”.

PC – Well disrespectful, I mean, it's not disrespectful, although, no it's not. I suppose again, for me the measuring stick is if I'm in the same situation, would I send this again? Well this actual issue hasn't been resolved because Deb Townsend has now been, I voted against it you won't be surprised to know, but she's been reemployed by us as of next week, so for me, I will be asking Phil about this again.

MK – OK but please don't do it in the context of today. If you see what I mean.

PC – No, so I'll just be following up my previous concerns around the Clerks conduct and did we manage to move forward on an outcome for me to be able to progress this.

MK – OK.

PC – No, I think I would probably send that tomorrow you know.

MK – Now, that's it, it's ten to one, there is an opportunity for you if you think there is anything I should have asked you, or anything else you want to say, Paul, then, as it were, now's your chance.

PC – I just really want to try and emphasis that there has been a campaign of hate against me. This isn't subjective. I can quantify that and get people who have told, yes? They don't come to me. This campaign has over spilled, beyond the Parish Council. I get complaints lodged against me to my primary employment, police knocking on the door and it has impacted on my mental health. It's impacted on my family and I've made a decision about where I'm going to go with this but it won't be until this is concluded because I would like to hope, think, that even if your recommendation is that this goes to Standards Committee, I'll stand in front of them. I think that some of the complaints that have been made against me have been made against me because I'm Paul Cullen and not because of the way I've acted or conducted myself because it's clear that other Councillors act and conduct themselves in a very similar manner to me but nothing is ever done about it. The video recording, I will continue to do, maybe until the Council adopts its own procedure where we have a single video which everyone has access to. The one thing I can probably assure you is that I don't believe that I've acted inappropriately at Parish Council meetings but I'm pretty confident that you, or somebody like you, will be sat here in the future investigating complaints about me. Not because I've acted in an inappropriate manner

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but because I'm Paul Cullen. I think that becomes intolerant and I think it will come to the point at which I'm no longer a Councillor and at that point I don't think it will be a Code of Conduct complaint, it will be a complaint to some other organisation about me. I'm disappointed with the way Ardip Kaur has failed to communicate with me. I'm disappointed in Frank McArdle's involvement, apparent involvement. You know, and I'm disappointed how the whole situation has been handled by South Derbyshire District Council. For the record, I still stand by one of my earlier comments I made when I first started that it's not a case of Do you think Willington Parish Council might be broke? Does it need fixing? It's beyond broke, it is an embarrassment because not only am I a Parish Councillor as we all are, we are all Parishioners as well. Willington Parish Council as it sits there today is short-changing the people of Willington as they are not getting an efficient and effective Council and I'm a part of that and I accept that. I don't think I've done anything, in terms of what I've been accused of today, I don't think I've done anything wrong but I am one of eleven Councillors who is part of an ineffective Council and I accept responsibility for that and that only.

MK – OK, we've covered off earlier on about whether there is any way back, so I won't revisit that. I just want to make one point about Frank McArdle. I don't know what Frank McArdle has done, nor do I know if the person who said to me that he has been involved even knows and I can't remember who said it. Ardip's the Monitoring Officer, I guess she reports to him but I don't know that. It could be that in the role of line manager, she's talked it through with him. He will not have made the decision. It would be Ardip's decision, but I have no personal knowledge whether he's involved or not. It's simply what's been repeated, so please don't conclude from what I said that he's involved because it's not like that.

PC – Yes, I understand that.

MK – Right, is there anything else you want to say Paul? It's now five to one now, we've been, as it were, at it for four hours now which is close on a record.

PC – I know there have been several emails exchanges between us and it has been an emotional time and I hope you would understand why but I'd like to thank you both for the way you've conducted yourselves today.

MK – Thank you and thank you for coming along and we appreciate it appears to have brought stress to you, we do encounter these things and sometimes it can be stressful for us.

KP – Can I just be clear if there is anyone else you want us to speak to? And I think this is why Melvin has been pushing for this meeting because we knew there would probably be some people to talk to. I have a note of Angela Budworth.

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PC – Angela Budworth is a Parishioner. I could reel off a few names, but you would want to talk to people, I guess, specifically about 77,76 or whatever. I can give you some names of people.

MK – We can talk to them about whatever it is, but we can also get a general background of what their perception is of what's going on. You can't do this job in a very narrow way because very often, it's the peripheral stuff that provides a context for you to investigate, if that makes sense.

PC – That makes perfect sense.

MK – Sometimes, it's like in your professional life, you read around the subject not just stick to that. Sorry, I interrupted you but yes, we would ask them specific questions, we wouldn't just go in and ask them to tell us what it's like at Willington parish Council, there would be a reason to hang a discussion around it.

PC – I suppose really, I was thinking about people who would be able to give you that general overview because they wouldn't know about the emails.

MK – Well, there would have been people present for example at the 24th September, wouldn't there?

PC – Yes.

MK – We could choose to do it anyway Paul.

PC – The 24th September?

MK - Yes, that Extraordinary meeting where you stood up. We're at liberty to talk to whoever we want to; we don't need your permission to do it but equally if there's anybody that you think it would be useful for us to talk to. Our concern is to get balance in this. I could very easily talk to you and then ten or twelve, fifteen people who provided the other viewpoint. We are keen to get balance and Karen's right to prompt me.

PC – Have you just spoken to complainants to date or have you spoken to complainants' witnesses? I suppose it matters not but what I'm trying to say.

MK – We've spoken to quite a few people Paul.

PC – Right so beyond complainants then I would suggest. They will give you their view. I think I've given you a reasonable account of myself. I think I've been able to answer your questions in a rational, logical way. Certainly, in Paul's world. I'm guessing that the only people I could bring to the table are the other than the other Parish Councillors who sit on the band of five would just have been there generally, I can give you some names.

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MK – No, I think Karen’s talking about the band of five, I mean is there any reason why we wouldn’t talk to Tim Bartram, Ros Casey, Caroline Blanksy?

PC – I would absolutely, yes, I would encourage you.

KP – OK, absolutely, that’s fine. That’s what we were after, yes.

MK – What was concerning me when you was, why wouldn’t we talk to them?

PC – Yes, sure. There’s a lady called Bev Jane; she sits in the audience. There’s the lady who was there on the 24th September, Angela Budworth, I can get contact details but first of all I’d like to ask them if they will be prepared to talk.

MK – Yes, anybody who is not on the Council, I think you would have to act as an intermediary.

PC – No, other than that we’re pretty much there. I mean you can speak to my wife if you want.

MK – I’m not sure we should, I don’t think we should speak your wife or your dad actually.

PC – No, I don’t think my dad would speak to you.

MK – No, he made that clear last night.

PC – Oh, has he?

MK – Yes, but I shouldn’t have told you that.

PC – That’s OK, I’m sure he will tell me himself. That’s just the nature of the beast, it’s his decision. I think there’s people who would spring into my mind, would just give you I mean there’s people who congratulate me on trying to make the Parish Council more efficient and moving things forward, but they would not be of use to you because you’re looking at specific complaints. I just want to say one more thing and this is really important for me, is that several of the complaints we have discussed here today and you will determine and make your decision whether or not I was in capacity or not is that I don’t believe it was and I think that would be my overarching defence for them specific complaints and the reason for that is because I don’t think I had any other avenue to go to go down and if I was put in a similar situation in the future I think I would do the same thing, in terms of standing up and speaking in public participation. The content of what I may say may change from time to time but if there is no facility for me to respond and there isn’t, there isn’t a facility for a Parish Councillor to respond because you simply can’t do it because we haven’t discussed it as a Parish Council. What we can do is go away and talk about it and bring it back to another Parish Council Meeting which may be a way forward.

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MK – But the alternative is to say nothing at the time, isn't it? You know, bite your lip.

PC – It depends which way the wind's blowing, it really does. I've taken many of these attacks personally, not that I've taken them personally, they are, when you're referred to as a scumbag and drug dealer and it's said to you and when the wife of that Parish Councillor starts attacking you and the mother of that ex Parish Councillor and starts attacking you, for Paul it was just enough and I felt that I had no option but to defend myself.

MK – OK Paul, thank you for your time.

PC – Thank you.

Meeting closed at 1.07pm

STANDARDS HEARING STATEMENT 09 – CLLR ROS CASEY

STANDARDS HEARING STATEMENT 09 – CLLR ROS CASEY

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

Summary notes of conversation between Cllr Ros Casey (RC) and Melvin Kenyon (MK - Investigating Officer), Friday 17th April 2020, 11.00 hrs – 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 (PC) that relate to his alleged behaviour at meetings on three separate occasions last year relating to Willington Parish Council. Almost all 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 (in this case, PC) 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?”

RC confirmed that she was content with what MK had said.

STANDARDS HEARING STATEMENT 09 – CLLR ROS CASEY

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, open-minded and objective in his investigation.

Discussion

RC was elected for the first time as a parish councillor in May 2019. She has lived in Willington for 54 years. She loves the village and has a lot personally invested in it. She joined the Council because she wanted to represent those villagers who, like her, felt there had been too much growth in recent years. She did not know Paul particularly well before joining the Council. She knew Paul and Joe Cullen were on the Council, but she knew no-one else on the Council.

She had joined the Council with “an open heart” but at the first meeting it was as if “someone had stamped on [her]”, it was horrendous. Underhand. Notwithstanding MK’s wish to be fair in his investigation “there is nothing fair about Willington Parish Council”.

At the count she had met Cllr Houghton for the first time, and he had said to her, “You know, whoever is elected, they won’t be on the Council for very long. There are going to be at least two people who will resign in the next six months”. She was taken aback and shocked.

Before being elected RC had applied for the role of Parish Clerk but was not interviewed for the role. Tim Bartram had suggested she join the Council instead as someone who had lived in the village all her life, like him. He used to work with her husband at Willington Power Station. He felt that some councillors had not lived in the village very long and that the longer-term residents needed to be represented on the Council.

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

LAC/107 – Ordinary Parish Council Meeting held on 12th November 2019

MK said that it was alleged that filming by PC at the Ordinary Parish Council Meeting of 12th 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.

It was alleged that PC filmed an individual councillor (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 if RC recalled the meeting. RC said she did.

STANDARDS HEARING STATEMENT 09 – CLLR ROS CASEY

MK said that some witnesses to the filming had used words to describe it including, “upsetting, confrontational, intimidating, threatening, and aggressive”. It had been further alleged that, after the meeting, PC had left the building and then returned and shouted at some of those who remained.

RC said that at that meeting, unusually, PC had been sitting next to Claire Carter - between her and John Houghton, where Andy Macpherson normally sat. His camera had been pointed at RC and Caroline Blanksby during the meeting. Both Claire and John Houghton knew how to “press Paul’s buttons” and “it causes problems when Paul bites”, he “gets agitated”. For example, when Paul is speaking, Claire will tap her pen on the table and pull faces mimicking PC, whilst John will lean back on his chair and make derogatory and dismissive noises.

On that occasion Claire was tapping her pen and PC turned the camera to take in both her and Phill Allsopp – it was not on Claire alone. When Claire and John do this sort of thing the Chair and Clerk take no action to stop it even though it is winding PC up but, if others do the same thing, Phill pulls them up on it.

RC recalled that as the meeting progressed, PC was increasingly agitated because his buttons were knowingly being pressed, but he was not at all threatening. PC knows his rights and he knows he is allowed to film. When the camera was turned to Claire she put her pen down and sat with her arms folded – “she wasn’t having this”. Claire then moved position and went and sat behind the locum clerk, Deb. Phill then asked PC to move his camera. PC can be stubborn. He was finally persuaded by Joe Cullen to hand the camera over to Angela Budworth, a member of the public.

MK said that had spoken to most members of the Council, including Claire, and he did not doubt that she had been affected by PC’s actions. How might that be explained? RC replied that going to Parish Council meetings was stressful. She hated going now and was totally disillusioned. It was all about egos and individuals “on both sides” and not about the good of the village. She wanted mediation to sort it all out. There had been a proposal for mediation but, RC confirmed, Paul and Joe had voted against it.

MK asked why RC thought they had voted against mediation. She replied that PC had a problem with Ian Walters. She had been told that his wife had gone to a colleague of Paul at the Fire Station and tried to get PC sacked. MK said that Ian Walters had denied this, and RC said that *something* had gone on between them.

RC said, “Paul is interested in the village but, because of the circumstances, he has been taken over by all these complaints. This is understandable when you are getting complaints every day and your job is being threatened. It is distressing and Paul is under horrific amounts of stress. I feel sorry for him”.

Someone had even complained about her. She had received a letter from the Council. She had been distraught. She had never had anyone complain about her in her whole working life. With multiple complaints against him, how must PC feel? He must be totally wound up – like an elastic band – “so someone pushing that bit too far will make him want to jump”.

STANDARDS HEARING STATEMENT 09 – CLLR ROS CASEY

Ian Walters and John Phillips had told Tim Bartram at a party that they had joined the Parish Council simply to get Joe and Paul Cullen off it.

RC could not recall PC returning to the 12th November meeting but she normally gives Caroline Blanksby a lift home so she may have gone by then.

MK then asked about the next meeting when there were apparently several cameras. Did RC recall that? Why would there be several cameras? RC replied that PC had one, Joe had one and either Tim Bartram or Caroline Blanksby had one. She thought that there were (actually) four cameras so that “everyone could get in the full area”. MK asked whether the filming continued after Phill and others left the meeting. RC said that as far as she was aware it did.

RC did not believe that the filming had been intimidatory. The cameras were used because the minutes were not a true and accurate account of the meetings. The locum clerk made many mistakes and PC was very keen to get them right. The intention was to film everyone at the meeting, including them, not just the other side. MK asked why a single camera, perhaps behind the public, did not suffice to capture the whole thing? He was aware that some councils did that. RC replied that John Houghton moved his chair and balanced it on the back legs. As a result, he was not in view. He had done that at this particular meeting and pulled faces that mimicked PC (he did that at every meeting). Mimicry could not be seen unless there was close-up filming.

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

MK said that, it had been alleged that at the Extraordinary Parish Council Meeting on 24th 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 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”. It had been further alleged that he had made a personal verbal attack on Nicola Phillips in an intimidating way. After some disturbance, he had apparently been persuaded by the Chair and the Clerk to return to his seat. MK said that there were certainly “raised voices”. Did RC recall this and what was happening?

RC said that there *were* raised voices, PC *had* raised his voice. This went back to the previous meeting [MK: 25th June?] when Nicola Phillips, her mother and sister and other parishioners had “pulled Paul apart” in the public speaking section of the meeting and had been “disgustingly rude and nasty about him” and said “vile things about him” in front of the public.

PC had received no support from the Chair at that meeting at the way he had been pulled apart when they ought not to have been allowed to make those statements. It was a “personal vendetta” that the Phillips family had against Paul and they had used the entire 15

STANDARDS HEARING STATEMENT 09 – CLLR ROS CASEY

minutes of public speaking to pull him to pieces. It was embarrassing. RC had felt physically sick and had wanted to walk out. He had sat down and taken it.

So, PC *was* upset, he *was* angry at what had happened at that meeting. MK asked why RC thought that PC had decided to speak as “a parishioner”. RC replied that she thought that was because he was not allowed to speak during the public speaking part of the meeting as a councillor and “he wanted to put his side across”. He wanted to be afforded the same opportunity to speak as they were.

MK asked whether what PC had said and done could be interpreted as a “personal attack” on Nicola Phillips. RC replied that “he had not used her words or pointed his finger at her Obviously, he knew who he was talking to”. MK said that he recalled (though he had not listened to the audio recently) that PC had said something such as “she needed to go home and talk to her husband” though he could not recall the exact words. RC replied that she *did* recall that, “He definitely *did* raise his voice, but I wouldn’t say he was intimidating or aggressive”. RC could understand why he might say he “was sick of it”. RC said that she had found PC to be a reasonable person with a responsible job. She did not know why there was a vendetta against him and how people could dislike someone so much. It was “awful”.

MK suggested that the Phillips family might have felt threatened as a result of the “Megabus incident” – he had himself seen material out of Liverpool (emails etc.) that had made threats against them and made them feel intimidated. RC replied that John Phillips had “brought it on himself” though it ought not to have gone as far as the newspapers. However, she thought that what had happened would still have happened because “these people were so intent on nailing him [PC] to the cross”.

MK then asked why the Parish Council was so polarised. She said that the Council had done nothing for the village since she joined. It was “all arguing”. Soon after becoming a councillor RC had wanted to be part of the group discussing the Development Plan for the village. She had been really excited about being involved but she was given the wrong start time by John Houghton so that she was an hour late. He had just smirked. He had clearly done it intentionally though she had no idea why – she did not even know him. Also there were John Phillips, Andy Macpherson and Claire Carter. She felt like an outsider and unwelcome even before her first meeting.

MK asked whether the Chair and the Clerk were effective. RC said the Clerk only put onto the agenda what she wanted to put on, she could be very rude. She had too much influence and was not even handed in putting items on the agenda and seemed always to take the other side. After a disagreement over RC’s election as Chair of the Staffing Committee the Clerk had told Tim Bartram that she did not like RC, so they did not see eye to eye. She had also told him that she hated Caroline after the first meeting.

MK asked why so many clerks had left the Council. RC replied that she was not surprised because “all we do is argue”. The resignation letter of the most recent clerk was disgusting. She had made statements about her children’s safety and a restraining order. There was no justification for what she had said, though John Houghton had suggested that such information was in the public domain and he appeared to know all about it.

STANDARDS HEARING STATEMENT 09 – CLLR ROS CASEY

RC felt that mediation was needed. If the Council could be disbanded and a new Council elected that would be a fresh start. The Monitoring Officer was unhelpful and would not speak to Willington councillors. She had dismissed RC's complaint against Ian Walters when he had threatened RC because he had not been acting as a parish councillor at the time – she spoke to him but not to her. This was very unfair. RC had been terrified.

LAC/103 + LAC/105 – Abortive RAC Meeting on 4th 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 RC had been present at the meeting? She confirmed that she had, and she recalled what had happened.

RC said that PC definitely raised his voice and he did lose his temper, but did not verbally abuse her. Sue, who attends many meetings of the Council and its committees, was raising her voice at him. However, PC was not there in his capacity as a Parish Councillor because he is not a member of the RAC so the complaint should not stand. It was the same as her own complaint against Ian Walters who had not been there as a parish councillor when he threatened her.

MK said that it was further alleged that PC had left the hall before coming back in and telling RC and Caroline Blanksby to stay and listen to what “she” had said. Sue had something like, “Who do you think you are calling “she”? Don't you speak to me like that”. RC confirmed that PC *had* replied and pointed (rather than jabbed) his finger at her and said, “You” (rather than “You, you, you”). He was not in direct physical proximity to her at the time. He was standing at the door and she was sitting at the table behind Caroline. Sue had become upset because she asked why no-one gave her any support. RC thought she had burst into tears in frustration and anger at this. Neither she, Caroline, John or Phill said anything.

MK asked if PC had behaved appropriately in saying what he said. RC said that it was all to do with what was going on. “He must live and breathe this, it must never be off his mind, it must be sending him insane. I believe that he is ill”. Caroline and RC are worried about him. He is easily wound up but did not used to be. He let things wash over him and was laid back. Now he was “like a coiled spring”. However, he won't step down because that is what “they” want him to do.

“They have done this to him”. MK asked who “they” were. RC said the Phillips family and John Houghton, definitely. John winds him up all the time and pushes his buttons at every meeting. For example, PC is passionate about the Footpaths Group and John had tried to get it disbanded. That was why PC had stepped down so Tim Bartram could chair the group. Parishioners want the group we all want the village to look nice and the Footpaths Group contributed to that.

The discussion closed at 12:25 hrs

STANDARDS HEARING STATEMENT 10 – CLLR CAROLINE BLANKSBY

STANDARDS HEARING STATEMENT 10 – CLLR CAROLINE BLANKSBY

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

Summary notes of conversation between Cllr Caroline Blanksby (CB) and Melvin Kenyon (MK - Investigating Officer), Friday 17th April 2020, 13.00 hrs – 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 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?”

STANDARDS HEARING STATEMENT 10 – CLLR CAROLINE BLANKSBY

CB confirmed that she was content with what MK had said and asked for confirmation that the Monitoring Officer is Ardip Kaur, which MK confirmed.

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

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, open-minded and objective in his investigation.

Discussion

CB has lived in Willington for 28 years. Before joining the Parish Council, she knew PC vaguely, through friends of friends, though he was not part of her social circle. CB had been elected to the Council in May 2019. She had originally become involved in village affairs through involvement with a campaign and petition to prevent the car park opposite the Dragon which is owned by the County Council becoming pay and display.

That was a spur to her becoming more involved in village life. In doing this she had “rubbed up the Council the wrong way” and been blocked from joining the Parish Council as a co-optee when Cliff Warner was Chair. Later Phill Allsopp had been preferred to her in a co-option process even though she was the only potential co-optee who had followed the correct process. CB complained to Ardip Kaur at SDDC informing Ardip that Phill Allsopp had not followed the correct procedure and informed SDDC in writing that he wanted to stand as a Willington Parish Councillor. Ardip Kaur was not helpful at all and CB’s complaint was not looked into. This had left a bad taste. When the May 2019 election was approaching CB was persuaded to stand by Tim Bartram. She was successful and achieved the second highest vote.

The villagers had been against the pay and display car park, but the Parish Council was in favour because they had hoped that any subsequent profit would be ploughed back into the Parish Council. CB had therefore started on the Council on the wrong foot and was disliked by Andy Macpherson, John Houghton, Ian Walters and John Phillips. She did not know Phill Allsopp except as the successful co-optee when she had been unsuccessful – though she did not hold that against him.

LAC/107 – Ordinary Parish Council Meeting held on 12th November 2019

It was alleged that filming by PC at the Ordinary Parish Council Meeting of 12th 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.

STANDARDS HEARING STATEMENT 10 – CLLR CAROLINE BLANKSBY

It is alleged that PC filmed an individual councillor (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 CB remembered of the meeting?

CB said she recalled the meeting “very well”. PC had been videoing the meeting from the very beginning. Around halfway through the meeting Claire Carter suddenly realised that the meeting was being videoed. The camera was “pointing to a selection of people, definitely not just Claire”. CB recalled PC turning the camera as different people spoke.

CB recalled Claire getting up and “she went and sat in the corner like a spoilt child”. “There was no way the camera was just on her”. Claire and John Houghton tend to sit either side of Paul. John swings back on the back two chair legs and he and Claire pull faces, talk about Paul, make silly remarks behind his back, “it’s embarrassing actually”. This meeting stood out because Claire was continuously tapping her pen when Paul was talking to the point where CB had asked Claire, possibly through the Chair, to stop tapping her pen. The tapping had been getting louder and louder and louder. Claire was almost being aggressive towards Paul.

MK suggested that it had been alleged by several witnesses that PC kept moving the camera so that Claire was in shot. CB did “not recall that at all, that was not right, he was moving it as different people were speaking”. MK said, playing devil’s advocate, that words like, “upsetting, confrontational, intimidating, threatening, aggressive” had been used by witnesses. CB replied, “She never said that at any of the meeting as far as I am aware, I am pretty sure she didn’t”. CB did not believe that Claire was being intimidated at any point in that meeting. If Claire was in shot, she was not alone.

MK said that he had listened to an audio recording of the meeting. It was clear that PC was filming and that he had been asked to switch the camera off. The meeting had been suspended. CB said that that was the point at which Claire had moved her chair into the corner of the room.

MK then asked whether CB believed that the filming was intimidating or could have been interpreted as intimidating? CB said, “No. I don’t. I am a Parish Councillor. I shouldn’t be worried about anybody filming me or anything I say at a meeting. Definitely not”.

MK said that it was further alleged that, after the meeting and having left the building, PC returned to the building and started to shout at some of those who were still there. CB did not recall this.

MK then said that he understood that at the subsequent meeting in December there were three video recording devices or cameras. One was in front of Caroline and there were two others. CB recalled that. She said that meetings have always been audio recorded but it was obviously not possible to see facial expressions on audio – the sneering and staring that goes on at meetings, which was ridiculous. This was why video recording was necessary. It was necessary too because the minutes are sometimes not accurate at all.

STANDARDS HEARING STATEMENT 10 – CLLR CAROLINE BLANKSBY

When asked by MK why Claire and other witnesses might suggest that she had been intimidated CB replied there was “a clique and you are either one side or the other”. There was a “cosy club” and CB, Tim Bartram and Ros Casey “upset the apple cart when [they] were elected. They didn’t want any fresh blood on the Council. They wanted things to go on as they had done for years”.

This was the motivation for all the complaints that had been made against herself, Ros and Tim. It was “horrible. I didn’t join Willington Parish Council at all for this”. They couldn’t get anything done because of the cosy club, “every time we try to get anything done for the good of the village they go against us”. CB said that there was a “campaign of hate” against PC. Whatever he said it would never be right. There were complaints after every meeting he went to. There had been several complaints against CB as well.

MK said that, in his opinion, both Claire and PC were suffering because of this. If it were all one-sided why might that be? CB replied that she thought there was a campaign to get PC off the Council. John Phillips and Ian Walters had only joined the Council to get PC off it. CB did not know why they wanted to do that.

CB then raised the proposed Axis 50 development as a case in point. She, Ros, Tim, Joe and Paul were the only people who wanted to do anything about it and oppose it because that was what the vast majority of the villagers wanted (though a few residents certainly *did* want it to go ahead).

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

At the Extraordinary Parish Council Meeting on 24th 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 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”.

CB remembered the incident very well. At the previous meeting Nicola Phillips and her mother “read out a statement that was appalling and shocking, it was disgusting, she tried to make out that she and John Phillips were the victims”. The statement had come about because Nicola’s husband had called PC a scumbag and a drug dealer in an email. “I was shocked that she had the audacity to stand up and read out a statement painting herself and John to be victims. I was horrified. She said that he had had to step down and it was in the best interests of their family. There was no remorse, no shame”.

At 24th September meeting PC had then got up and walked to the public area. He read out a statement he had prepared. He said he was going to speak as a member of the public. His statement was “very good, very accurate and very reasonable”. Nicola constantly tried to speak and interrupt him, but he ignored her and carried on speaking. “When he had finished

STANDARDS HEARING STATEMENT 10 – CLLR CAROLINE BLANKSBY

I stood up and clapped because of all the abuse he had had. Because of that, I received a complaint about my inappropriate behaviour”.

MK said that he had listened to the audio of the incident. There had been (his words) “a bit of a kerfuffle” and the Chair and Clerk had gently invited PC to come back to the Council table and sit down. CB replied that the Clerk had “shouted at him – “shut up, shut up” I think she said (it was Deb’s favourite word)”.

MK asked CB to confirm that she was talking about the meeting of 24th September and CB confirmed that it was.

LAC/103 + LAC/105 – Abortive RAC Meeting on 4th 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 CB had been present at the meeting? She confirmed that she had, and she recalled the meeting.

CB said that PC was present as a member of the audience and a member of the public. He was very knowledgeable and knew “all that stuff [standing orders etc.] upside down, standing on his head”. He was a stickler for such things being done correctly and John and Phill were seething. It was right to stop the meeting because procedure had not been followed.

CB did recall Sue Carter bursting into tears. PC went out of the meeting. Sue Carter continued to talk to John Houghton and Phill Allsopp. Paul came back in. CB was with Ros Casey. He was “wagging his finger” at all of us, not just Sue. He said, “Careful, make sure you listen to what she says because she always talks about me behind my back” and then he left. MK said that it had been suggested that SC had said, “Who do you think you are calling she?” before PC turned round, jabbed his finger and said, “You, you”. CB did not recall him jabbing his finger, but he did say, “You, I’m talking about you”. In CB’s view his behaviour was appropriate “because she was talking about him and he had perhaps caught her out”. He did not trust Sue Carter because Nicola Phillips was her daughter. He had not been aggressive towards Sue.

CB had no idea why Sue had burst into tears, nothing happened to warrant her doing that. She did not give her any sympathy, nor did Ros Casey, “she probably did it for effect”. They made no comment and simply sat there as this happened.

General discussion

MK asked how the problems on the Parish Council could get resolved? CB replied, “It doesn’t”. She herself would support mediation but too much water had flowed under the bridge. It might be too late for mediation from the Cullens’ perspective thought it was not too late from her own perspective.

Phill Allsopp is a nice man, but he is not a good chair. He does not understand the procedures. He tells lies to CB’s face and tells CB to shut up and stop talking.

STANDARDS HEARING STATEMENT 10 – CLLR CAROLINE BLANKSBY

MK then asked a question about burials software and a discussion about it at the Parish Council. A councillor had wanted to go on a course to understand how to use the software and there was opposition to it in the Council. Had CB voted against it? CB replied yes, "Because he's not the right person. He's rubbish. It would have been a waste of money for him to be trained on it it wasn't the principle, the councillor concerned was the wrong person." CB had been proved right in that when someone in the village had needed to be buried and he had been "most unhelpful, considering he is the lead on burials". Tim Bartram had had to go and see the grieving family and sort it out. Then councillor, Ian Walters, attends meetings occasionally, but he does nothing on burials. It is all left to the Clerk, he simply manages it.

CB said that she was worried about the effect on PC's health of the campaign of hate, the harassment and the bullying against him. It was relentless and constant. He only had to step into a meeting and "they're at him. They know he's at the end of his tether. You can see it by his behaviour and his mannerisms. He always has a nervous tic. They are doing everything they can to antagonise him. He's Willington born and bred with a good job as a fireman. He cares, especially about footpaths and open spaces". He had had to step back as Chair of this committee because you can't get anything done with him as a member of it. "They vote down anything he wants". There is a "campaign to undermine him and get rid of him".

PC would make a good Chairman because he was so knowledgeable. John Houghton would make a better Chair [than Phill Allsopp]. MK suggested that if a Chair did not know the procedures then they would need to a good clerk to support them. CB replied that Willington did not have a good clerk, in fact they had a terrible clerk. After CB's first meeting she had told two members of the public that she did not like CB and did not trust her. She never speaks to CB. She did not know why there had been six or seven clerks over a short period of time.

CB began as she began the discussion – she had started off in the wrong foot and was never going to be in favour. She hoped that MK could see through all the lies.

The discussion closed at 14:05 hrs

STANDARDS HEARING STATEMENT 11 – CLLR TIM BARTRAM

STANDARDS HEARING STATEMENT 11 – CLLR TIM BARTRAM

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 20th April 2020, 17.00 hrs and amended subsequent to a further telephone discussion on Friday 15th 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?”

STANDARDS HEARING STATEMENT 11 – CLLR TIM BARTRAM

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.

STANDARDS HEARING STATEMENT 11 – CLLR TIM BARTRAM

On 5th 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.

STANDARDS HEARING STATEMENT 11 – CLLR TIM BARTRAM

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 12th 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 12th 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 24th September 2019.

At the Extraordinary Parish Council Meeting on 24th 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 24th 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 24th 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 4th 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

STANDARDS HEARING STATEMENT 11 – CLLR TIM BARTRAM

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 12th 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.

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

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

Summary notes of conversation between Cllr John Houghton (JH) and Melvin Kenyon (MK - Investigating Officer), Wednesday 8th April 2020, 4pm – 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 this afternoon 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 the names of those 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?”

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

JH confirmed that he was content with what had been said. MK said that most people had asked for confidentiality so, wherever possible, confidentiality would be maintained for those people. JH said that if his testimony helped with the overall picture then he was content for his name to be mentioned but if what was written was “anecdotal” then he would prefer his name not to be mentioned. There were emails that he would be showing MK that he had put his name to and which he stood by in his own name.

MK said that there had been a number of complaints against Paul Cullen (PC) and PC had also made a number of complaints himself. JH confirmed that there had been six or seven complaints made against him in the last six months or so. 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 though background information would also, perhaps, be pertinent.

MK explained that he reached his conclusions based upon the balance of probability and the available evidence – including video, audio and email evidence. He had intended as part of his investigation 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

JH has lived in Willington since 2003. He has been on the Parish Council since 2011 or 2012. He has been through three elections. He is currently Vice-Chair of the Parish Council and has been chairman of various sub-committees. He is the longest-serving current member.

Over the last three or four years the Council had “ground down to achieving nothing other than in-fighting and bickering”. Misinformation was being shared in the public arena (gossip and social media) and was stopping the Council achieving things. Council meetings had become “a fight between belligerent parties”.

MK turned to the complaints against PC.

LAC/107 – Ordinary Parish Council Meeting held on 12th November 2019

MK said that it had been alleged that filming by PC at the Ordinary Parish Council Meeting of 12th was intimidatory in that it was directed at a single individual, Claire Carter. Did JH recall the meeting?

JH recalled the meeting. He said that Claire was sat to his right and PC was sat to her right. Halfway through the meeting it became clear that PC was pointing a Go-Pro camera directly at her. PC refused to move the camera and his actions were “deliberately intimidating”. Whenever Claire moved to avoid the camera PC moved it further towards her. MK asked whether he *definitely* moved the camera in the way JH had described, was JH certain of this? JH confirmed that he was.

“He was two away on my right” with a small camera. Initially “I did not know he was filming until Claire tapped me on the arm and pointed at it”. The filming was then drawn to the

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

Chair's attention. The Chair asked for the camera to be moved. Claire Carter was clearly intimidated and PC "moved the camera so that it was definitely on her". She eventually got up and moved to the opposite side of the room, to the furthest corner so that she wasn't being filmed directly, otherwise she was going to leave the meeting.

MK asked whether PC had continued to film when Claire moved to the opposite side of the room. JH replied that he thought that, after she moved, the camera took in the overall meeting and was not pointed directly at Claire alone. "It was certainly pointing to her when she was to his left and other councillors were being missed out because it was just pointing at her".

The meeting was paused at that point. Eventually the camera was taken by a member of the public, Mrs Budworth, who then filmed the whole meeting. The Council's simple request was that the filming should be of the entire meeting, not individuals. PC's filming had upset Claire and she was intimidated. JH said, "When he is filming you do not see the anger on his face because he is behind the camera". He is of an "aggressive and intimidating nature".

There had been so many disruptions at meetings that they tended to blend. JH thought that this was the meeting where there was an altercation after the meeting, and it may have been the meeting where PC followed JH home. This may also have been the meeting where PC was outside at the window. "We were packing up and then he came back into the meeting and started shouting and screaming. We walked out and then he started talking about complaints that he alleged I had made about him. I have not made any, as I am sure you are probably aware?" He then said, "I know you are lying because I've got a mole at South Derbyshire and I know you've been there". It was true that JH *had* been to meet Ardip Kaur to talk about a complaint that PC had made about *him*.

JH said that, late on the evening before he and MK spoke, he had sent MK an email attaching copies of several other emails. MK located the email and one of the emails that was attached to it. It was timed/dated 22:26 on 12th November and was sent by JH to himself. Part of that email appeared to JH to be relevant to the filming at the meeting on that evening. The text is set out below [items in brackets are additional commentary provided by JH as he reviewed the email with MK]:

"This is a record of events that happened after the Parish Council meeting of the 12th November.

The meeting had concluded and therefore does not fall within the remit of WPC [JH said that he had not complained about the incident that followed the meeting because he thought that it was outside the scope of the Code of Conduct because it happened after a meeting. In any event he wanted people to work together and not make complaints against one another].

This is a record of events whilst it is fresh in my mind.

After the meeting had been concluded and we were packing chairs and tables away, Claire was discussing how threatened she felt by the camera being pointed at her directly and Pauls unwillingness to film the entire room.

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Paul Cullen then re-entered and joined the discussion.

I asked him if he had a reason to point the camera directly at Claire.

He then reached into his bag and pulled out a stack of letters and said, I will tell you why, it is to protect myself from all these complaints.

Later on I said well everyone is getting complaints, I have had 7 made about me in the past few weeks.

I asked Paul how many of the anonymous complaints were from him, and he said 2 of them.

I said well your complaints are not from me.

I have not made any complaint about any councillor or anybody to SDDS, either in name or anonymous.

It was stated by Cllr Joe and Paul Cullen that they didn't believe me.

I told them they could do a FOI request if they wanted proof.

Cllr Ros Casey then said how many have you got other people to make, to which I answered none [She has her husband and other people make complaints about JH to SDDC].

I have not to date made nor asked anybody else to make complaints.

A conversation continued with the Clerk and Paul whilst we were trying to lock up.

Later outside, whilst crossing the road, Cllr Paul Cullen said, I know you have made complaints as I have a mole in South Derbyshire who has told me what is going on.

I was shocked by this and asked him to tell me who this mole was as that person was spreading incorrect and slanderous information.

Paul then said he was not going to tell me.

I asked him again and he then stated he had no idea what I was talking about and that he had not said anything.

I asked him to repeat the statement that he had a mole at South Derbyshire.

He denied this.

I asked him "why are you now denying it, are you too scared to tell me?"

He then stated, "you want to be careful, you don't want to say that to me".

I took this as a very threatening statement as it was an implied physical threat made by Cllr Paul Cullen.

I believe that Cllr Paul Cullen was still taking an audio recording at this time as he had a Dictaphone in his hand.

I asked Cllr Paul Cullen, "why do I need to be careful, what are you going to"?

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He then stated, I don't know what you are talking about.

I said, you just threatened me to be careful. Why don't you tell me what you are going to do?

As we were walking along, Cllr Paul Cullen then got out his GoPro and pointed it at me and said, "I have just been threatened by John Houghton and am recording for my protection".

I asked him to attach the prior audio recording to this video so that people could hear him state that he has a mole in South Derbyshire Council.

I stated that I have not threatened Cllr Paul Cullen but that I would like to know who his mole is who is spreading false information is.

We then separated at the underpass [just off Ivy Close].

As I was walking away, I heard Paul Cullen walk back towards Cllr Tim Bartram and stated "I have just been threatened by Cllr Houghton".

I therefore walked back over and stated, "that is not the case, I would like to know who your mole is at South Derbyshire council who has been giving you information. I have not threatened you".

Paul started to walk backwards stating he felt threatened by my presence and that he did not want me to get any closer.

The recording will show that I never got within 20 feet of him, under no circumstances did I threaten him and when he was playing the victim, I walked away."

JH also recalled a Council Meeting in December at which there had been intimidatory filming. He had ended up chairing the meeting because Phill Allsopp and others had walked out of the meeting.

The Chair had opened the meeting and read out a statement about filming – it was to be allowed but was not to be done in an intimidatory way. PC had three cameras on that occasion that "were pointing away from himself, Joe Cullen, Caroline Blanksby and the others" and Joe Cullen had an iPad pointed at the Chair. The Chair asked that filming either stopped or that it filmed the entirety of the meeting and not just one side of it. That was refused. There were then votes on whether PC and Joe Cullen should be removed from the meeting. These were carried. They refused to leave the meeting. There was then a vote to suspend the meeting (which they took part in, which was an oversight) which was rejected by the Council.

The Chair then said that he was not prepared to continue under these circumstances. He left the meeting with Ian Walters and Claire Carter. JH, as Vice Chair, agreed to take the chair in the best interests of the Council. At JH's request PC moved his cameras so that they were filming the entire meeting before the meeting continued. PC later said that one of the cameras belonged to Caroline Blanksby but that appeared not to be true because PC collected it at the end of the meeting and put it in his pocket.

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MK then asked JH to confirm for the record that everything had happened as JH had reported it. JH confirmed that it had.

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

At the Extraordinary Parish Council Meeting on 24th 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.

JH said that he was not at the meeting because he was attending a conference so he could not comment on what had happened.

LAC/103 + LAC/105 – Abortive RAC Meeting on 4th 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 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 JH had been present at the meeting? JH confirmed that he had.

JH had shared with MK an email (see above) which was timed/dated 22.10 on 4th November 2019 and sent by JH to himself and headed “Events at the RAC Meeting”. The text is set out below [items in brackets are additional commentary provided by JH as he reviewed the email with MK]:

“I turned up a few minutes late and the meeting seemed to have started.

In the corner was Cllr Paul Cullen with a DSL camera on a tripod recording video.

Cllr Caroline B[lanksby] and Cllr Ross C[asey] had their backs to the camera.

Brian (RAC member) was present [Brian Davis an engaged member of the public who assists with the business of the RAC]

Cllr Phill Allsopp appeared to be answering a procedural query to Cllr [Paul] Cullen.

It became clear that Phill and Paul were debating whether the RAC meeting could continue as it was claimed the agenda had not been published on notice boards with[in] the required time frame.

Phill explained he did it Thursday morning for a Monday meeting and was counting, Thursday, Friday, Saturday as the 3-days.

Paul stated that this was not our standing orders and it needed 3-clear days.

I stated that I also thought it was done in time but that I would try and locate the standing orders to verify.

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I did not have my laptop with me and therefore it was difficult to search for the information.

Caroline, Ross and Brian didn't contribute to the discussion at this point.

Phill and myself stated that we were happy for the meeting to proceed, even if no decisions were made.

Caroline and Ross were asked and they stated that they couldn't see how it could if it was not compliant with standing orders.

I asked Cllr Cullen was there a reason why he didn't want the RAC Meeting to proceed as many other meetings, including the Footpaths Group (which he previously chaired) have conducted meetings without objection when they had not been published with sufficient time. He stated that it didn't comply with regulations or standing orders.

I said that is a real shame as this is not helping us to achieve anything for the benefit of the village, which he agreed to. [What is not stated here is the anger – he went red in the face – throughout all of this. He cannot handle being challenged on anything. "The calmer you remain, the angrier he gets"]

It was at this point that Cllr Allsopp declared that the meeting couldn't proceed.

Sue Carter [who was a member of the public] made a statement about how disappointed she was that we are not achieving anything.

Cllr Cullen switched his camera off (I presume but I hope he left it in), and got up to leave.

The following events happened so quickly that it was difficult to react to stop them.

Cllr Cullen stopped on the way out and said to Cllr Ros Casey something like

You don't have to answer questions from the public

Make sure you stay and listen to what "she" has to say (referring to Parishioner Sue Carter) [he emphasised the word "she" and spoke with a tone of anger in his voice].

He then walked out into the corridor.

Sue Carter then stated something along the lines of "do not refer to me as "she""

This resulted in Cllr Cullen losing his temper and verbally abusing Sue Carter from the corridor.

It was difficult to step in as Cllr Cullen was not in the room whilst he was insulting Sue Carter.

Cllr Cullen left and Sue Carter broke down in tears about how upset she was about how she was spoken to.

Cllr Ros Casey and Cllr Caroline [Blanksby] said nothing throughout.

I stated that their behaviour is getting worse.

Phill stated "I don't know how you can support that behaviour" which was directed at Ros and Caroline.

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I said "it is even spilling over to external groups with lies and incorrect information been spread by the other Cllr Cullen".

The meeting disbanded and we all left."

General discussion

JH then briefly took MK through two further emails JH had sent MK. One referred to an alleged incident on 16th November 2019 when PC was clearly, JH said, still upset following the 12th November meeting. The other referred to an alleged series of incidents after a Parish Council Meeting on 11th February 2020. These events were outside the scope of MK's investigation.

JH responded that there were many similar instances of unacceptable behaviour by Paul and Joe Cullen, "many a good councillor has resigned because of direct verbal attacks and intimidation over the years and there have been at least seven clerks who have left because of their behaviour". MK reiterated that such events were outside the scope of his Investigation though they might help give context to the events that he was investigating.

JH said, "They believe that they are in the right and are the innocent parties and that everyone is trying to persecute them and remove them from the Council and that it is all a hidden agenda to attack them. They don't like not getting their own way on anything at all and refuse to accept the democracy of a full Council. They continue to challenge and will use every single tactic to get their own way". It is "a constant battle with the two of them and we aren't working for the benefit of the community".

MK asked whether, if this were true, the answer lay somewhere in the middle? He often found this in parish councils. Could that be the case in Willington? JH replied that it was often the case in life that there were two sides to every story. In the case of a former councillor, John Phillips, who had been involved in the Megabus affair, it was likely to be 50:50. An email he wrote had been "the trigger that escalated matters to this level". But he was no longer involved, having resigned as a councillor, but the behaviours had continued.

In JH's opinion (and he agreed that he was biased) the answer was more like 80:20. The Council is not trying to block what they want to do, and members have voted for many of their proposals. The conspiracy against them that they imagine behind the scenes is not true.

MK asked whether there was any sense in which what they believed to be happening was indeed happening? Were they being bullied and intimidated by people who were "not on their side?". JH replied "no", there was no "conspiracy". However, they *had* collectively decided not to do what John Phillips had done and engage in an "email battle" with them and had instead deliberately ignored them. That angered them even more. This was the "only united front that they [had] shown".

They had made pleas to Cllrs Blanksby and Casey to try to get some kind of mediation. The Council had even voted for mediation as a Full Council. PC had refused it and said that he was willing only to speak to Ian Walters directly. PC has no interest in reconciliation in this process.

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MK then asked where this might end? JH replied, “I don’t think it will”. Standards Committees had few teeth so any hearing that found against them would anger them even further and give them more “strength and resolve” that they are being victimised. They will become “even more belligerent” and will wait for the next election and see where it goes from there.

The discussion closed at 5.00pm

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Notes:

1. Andy Macpherson spoke to me after I produced the initial draft of his statement and I produced a second draft. However Andy did not formally agree to the second draft as his final statement despite prompting. I made it clear to Andy that comments from the draft would be included in my Reports if he did not formally sign the document off but I heard nothing. He was given the opportunity to redact his statement before it was formalised for the Standards Hearing but again I heard nothing. This draft is therefore presented as is to the Standards Hearing as Cllr MacPherson's Statement.

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

Summary notes of telephone conversation between Andrew MacPherson (AM) and Melvin Kenyon (MK - Investigating Officer), 8am, Wednesday 8th April 2020.

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 standard. 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, 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?

MK asked AM about his views on confidentiality. AM said that, if this went to a hearing he was expecting to stand up and say what he was going to tell MK.

MK explained that he reached his conclusions based upon the balance of probability and the available evidence. MK intended as part of his investigation to try to speak to all members of

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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, open-minded, and objective in his investigation.

PERSONAL BACKGROUND

MK asked AM about his “political” background and the broader political background in Council.

AM said he was a District Councillor in his second term. He was previously a Parish Councillor but realised he could only influence to a certain degree which is why he took the opportunity to become a District Councillor. He was approached by the Conservative Party as he is seen around by many people and was asked to stand.

AM is now the Chair of Environmental and Development Services and the substitute on Planning. He is also a member of Finance and Management and a couple of other outside bodies. He was elected as a District Councillor on both occasions.

AM said that he was elected onto the Parish Council some 20 years ago and did a seven or eight year term and was on most committees but work got in the way. At that time, it was a very coherent, together Council working for the good of the Parish. AM was asked back onto the Parish Council because they were struggling for numbers, so he re-joined just before he became a District Councillor.

AM went on to say that, as a District Councillor, he was very aware of District Council procedures, there was a Whip etc. However, when it is a voluntary role in a Parish Council, it is difficult for Parish Councillors to know where the boundaries are and how they should influence and conduct themselves. AM felt that he was probably a bit of a “stick in the mud” for protocol but happy to look at new ways of doing things and challenge the status quo at Parish Council level. AM said he had a tendency to go with the flow but feels he has a duty to put things straight if they’re completely undemocratic. Recently, AM did not feel they were debating properly; it was more like arguing, which was disappointing all round because there is always more than one view. AM was disappointed because he did not feel Parish Councillors are pulling together.

COMPLAINTS

LAC/107 – Ordinary Parish Council Meeting held on 12th November 2019

MK said that it was alleged that filming by Paul Cullen (PC) at the Ordinary Parish Council Meeting of 12th 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.

It was alleged that PC filmed an individual councillor (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

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father Joe's intervention, to pass the camera to a member of the public so that she could carry on filming. MK asked if AM recalled the meeting.

AM confirmed that he wasn't at the meeting relating to the complaint where it was alleged that a camera was pointed at Claire in an intimidatory manner, but he was at the follow-on meeting where something similar happened.

MK asked AM to explain what happened at the follow-on meeting in late December.

AM said that it seemed the filming had become a bit of an issue. The Chair and people generally were happy for the "whole meeting" to be filmed because that's democracy and if people want to see it and can't be there that's fine. Some Parish Councillors found it difficult when the camera was pointed directly at them and moved in position to capture whoever was speaking at the time. AM himself felt it was a bit intimidatory and also intimidatory when people (not PC) who are taking the images are then taking them home and dissecting every word that's said and coming back with a feed of emails thereafter relaying to individuals what was said, which in his view was not in the spirit of a Parish Council meeting.

Whatever is said is to get you to a decision no matter which side you are coming from. For example, AM said that emails had been sent to the Chair saying that the sender thought he was stupid at a particular meeting and that it had been discussed with friends.

MK asked for confirmation of the name of the person they were discussing, and AM confirmed that the person was Joe Cullen but that others were involved too.

MK queried whether if it was the case that whoever speaks PC will film, or is he selective about who he films and if AM spoke, would he film him? AM said he had filmed him but not every time he spoke. Sometimes it was focused on one councillor more than others but personally he wasn't overly offended by it because he's in the public domain anyway at District Council.

He felt that he needed to be word perfect at the Parish Council if he was reporting back on something from the District, even though it should only need to be a summary leading to a healthy debate. He was aware that what he said might be misconstrued and that could lead to criticism.

AM said that, when PC was filming, his camera would not be on a tripod and turned to focus on people. However, if PC felt someone was particularly intimidated by it PC would deliberately focus on that person.

MK asked for clarification as to whether it was done on purpose if he knows it upsets a person. AM said he thought it was done "because it's a numbers game". There was a definite split within the Parish Council and certain individuals feel that if certain characters were intimidated and their reputations questioned so much that they were driven off the Parish Council, they would have more votes in their favour.

"Their" views (those of PC and his associates) are as important as those of anyone else. They probably do represent a fair proportion of the community but there is no need for the bullying behaviour that comes from it. They ask for resignations over anything and everything. It is

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like “I’ve got that person on the run; I only need to do a little bit more to them and they’ll resign”. PC and his associates want the numbers to balance out more so that they can get things through, which is an agenda of their making. This behaviour had divided the whole of the Parish Council.

MK said that during his investigation he repeatedly heard words like; upsetting, confrontational, intimidating, threatening, aggressive, feeling vulnerable. He asked if these words rang true with AM. AM said yes, but he thought PC was feeling defensive and therefore confrontational to get his point across.

It had got worse recently. PC does not want to be seen to be wrong. He will not admit that he is wrong, and he does not think he has done anything wrong or behaved inappropriately. What most people would do if they had these complaints against them would be to apologise for causing upset and curb their behaviour in future, but PC does not think he is doing anything wrong. “You can only push your own agenda so far before it’s not fair on others”.

MK asked AM how he thought “they” saw him. AM said that he was frustrated that people were not given fair opportunity to voice their view and be balanced and fair. He would not normally say anything unless democracy was really going wrong, but he got really frustrated when people felt so intimidated that they did not want to go to meetings.

Agendas have been created and things have gone in completely in the wrong direction which they would not have if it was a balanced debate. AM said he did not see himself as a gatekeeper or the “go to person” for advice. PC had been to him in the past on many occasions and asked his advice and knowledge on getting something done (how to approach a particular issue in terms of process). When PC gets positive answers, which help his journey, he is quite co-operative, and he will listen.

More recently, PC had circumnavigated AM and gone straight to the Planners, keeping AM out of the loop. He thought it might be a control thing with PC. PC would ask AM’s advice but if he thought that he could not influence AM he would go direct to the Officers. In any event, where planning was concerned, AM had to be very careful not to have a pre-determined view.

MK asked if AM thought that PC was well intentioned. AM said that he did not. Initially he did. When PC came with enthusiasm and energy and took an interest in policies and procedures he thought it was great but now he feels that PC’s interest in policies and procedures was a way of getting what he wants.

AM felt that everyone at a Parish Council meeting needed to be able to set out openly the views of those they represented. At present he did not think that was possible because people felt intimidated. MK said that it sounded to him as if AM was saying that the democratic process was being subverted. AM agreed that it was “massively compromised”. There might be merit in what they (PC and his associates) thought but if things didn’t go their way then “dummies would come out” and there would be confrontation later.

MK then summarised for the record that AM was not at the particular meeting when Claire Carter was being filmed. However certain people had been deeply upset by the way they had

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been filmed. AM confirmed that and said that he had been at other meetings where filming had taken place and that he had felt a little intimidated himself at times despite his experience as a councillor.

MK asked whether they (PC and his associates) filmed themselves when they themselves were speaking. AM said, “No”. MK suggested that the issues might perhaps be overcome by filming the whole meeting from an agreed vantage point and then publishing the output on the internet. AM said that that had been agreed already by the current and previous Chairs.

AM then recounted an incident some years ago that had been filmed and then broadcast on YouTube. Some people had come to the meeting *en masse*, the police had been involved and Joe Cullen appeared to have played a part. There was concern that footage was being made and then edited inappropriately for presentation on the internet.

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

MK said that, it had been alleged that at the Extraordinary Parish Council Meeting on 24th 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 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”. It had been further alleged that PC had made a personal verbal attack on Nicola Phillips in an intimidating way. After some disturbance, PC had apparently been persuaded by the Chair and the Clerk to return to his seat. MK said that there were certainly “raised voices”. Did AM recall this and what was happening? AM confirmed that he did.

It had stemmed, he said, from a statement which the Clerk had presented at a previous meeting as a professional as to how she saw the Parish Council and what her frustrations were. Some of the councillors had ignored what she had said or challenged it as unacceptable.

The report should just have been read and absorbed and possibly acted on. Nicola Phillips had seen that this was not happening. She was speaking from a pre-prepared statement in an attempt to support the clerk and bring the Parish Council back in order.

PC did not think the statement was acceptable and that it was directed at him. However, the content was not inflammatory or derogatory and it was not pointed at anybody, “it was general as to the way we ought to perform”. MK pointed out that Nicola *was* speaking against the backdrop of the “Megabus email” which her husband, John Phillips, had sent which AM acknowledged.

PC reacted by getting up from his chair and going into the public area to put the counter argument. However, “he wanted to say it as a parishioner and not as a restricted Parish Councillor”. He had the opinion that, by doing that, he could then speak totally openly

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because he was speaking as a parishioner. He could then say and do what he wanted. AM recalled that he “sat fairly close to Nicola Phillips and looked across at her”.

MK asked AM if he agreed or disagreed with the statement in the complaint that PC “made a personal attack and did it in a threatening and intimidating manner”. AM confirmed that he concurred with that interpretation. AM said that, as a councillor, you could not change your head and suddenly become a private individual. Simply moving from one position to another made no difference. This was something PC had done on previous occasions though he had not always physically moved himself to the public area to do it and had instead said that he was “now speaking as a parishioner”.

What he did had made “a farce of it”. Those who had been around for some time knew that you could not “swap your head” and “come out of protocol”. By physically repositioning himself he felt that PC was saying, “I *will* say what I want when I want to say it”. In AM’s view councillors had a reputation to uphold and needed to behave appropriately even when they were not in a council setting.

AM said that similar things had happened previously with clerks. MK and AM then discussed the high turnover of clerks. AM felt that Deb was an excellent clerk, very experienced but somewhat intimidated behind the scenes. AM said that recently Tim Bartram had gone to the Clerk’s home. He had been “sent” by Joe Cullen to collect some goods unannounced and without invitation. That was intimidatory beyond what happened in the meeting. It was scary. AM said that he understood Joe had had an ASBO against him because of his behaviour towards previous clerks.

MK asked AM where he thought it would end. AM said that, looking at the Cullens and the other characters they had encouraged to join the Council, there is lots of positive work they are capable of doing. What they were not capable of doing was working together. In AM’s view, if they were not capable of working together as a group then they were not working together with the community. Others on the Parish Council were equally representative of views within the community. It could be that someone will give in and say “have it your way” but that would be a shame because there will not be a fair and balanced debate if that happens.

Alternatively, nothing would change until people are prepared to go to mediation. DALC had previously offered mediation but it had been rejected, especially by Joe Cullen. Mediation did not work unless all parties were willing to engage in it and go with an open mind. There needed to be a change in attitude and members needed to work together and actively debate without the threat of consequences, intimidation in the community or a flood of emails afterwards. There should be training to ensure that there is an understanding that one individual’s view is not the only view and on how to have a healthy debate – “that is the tangle at the moment”.

AM thought that the Council was disjointed but not totally broken because there were some good active debates put forward by the Cullens and the other characters they had brought in. It *can* be really positive.

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MK asked AM whether he thought there was merit in PC's assertions that *he* was being intimidated and bullied. AM said that he thought PC often felt intimidated when his views and behaviours were challenged or closed down, say, by the Clerk. However, there was a difference between being forceful and being aggressive.

AM then talked about the proposed Axis 50 development - how he had approached the debate about it in the Parish Council and the related decision to fund opposition to it as someone who is also a District Councillor and a member of the Planning Committee.

AM had heard that the outcome of these complaints might affect PC's job. If so, this was obviously high stakes for PC. He was "behaving in a really strange manner now, very aggressive and very defensive". He could not afford to "lose". His attitude and his openness to communicate had become closed, "he has gone very much into his shell and does not want to talk openly". PC would be better to acknowledge his mistakes and learn from them.

MK asked AM what other members "on their side" might say about all this. AM replied that they would say that, "Paul and Joe walk on water" though Ros Casey was perhaps slightly different. She had previously put her name forward as an assistant to the clerk but had been unsuccessful. Like Joe Cullen, Tim Bartram had been around the community for a long time. AM felt that they would just defend their actions as normal and acceptable when they are not. It could be that the new, less experienced councillors were not familiar with protocol and that might explain their behaviour. Tim Bartram, for example, was passionate but he was a "serial barracker" who said what he was thinking and talked across others.

LAC/103 + LAC/105 – Abortive RAC Meeting on 4th 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 who had attended the meeting, pointed his finger at her in a "menacing" way, verbally abused her before leaving the building and reduced her to tears.

MK asked if AM had been present at the meeting? He confirmed that he had not been there. He was aware that Sue Carter was the parishioner, but he had only heard rumours. Sue is old school; she knows how things work and was not afraid to stand up for democracy. If PC was challenged by her then AM could see how he might flare up because of her relationship with Nicola Phillips. It was Nicola's husband, John, who had sent the "Megabus email".

GENERAL POINTS

John Phillips had been elected to the Parish Council and had made it clear early on that any attempt at intimidation would not work. He was happy to listen to others' views but would not be intimidated. There had been exchanges of private emails - some of these exchanges were banter whilst some were not.

Eventually it suited them to publicise the "Megabus email" which had been sent by John after he had had a drink. John had made reference to something indirectly in his email which should have remained as "pub banter". What followed was certainly intimidatory. Threats

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to bring characters down from Liverpool, the sharing of personal email addresses (including AM's own) and the like.

AM explained that the subgroups of the Parish Council - the Footpaths and Open Spaces and the RAC, for example, were not really operating as they should. Their agendas addressed items they should not, such as planning matters which are out of scope, and had become power bases outside the Parish Council.

The recommendations of the subgroups then appeared at Full Council and were often voted upon without proper scrutiny because that scrutiny had taken place in the subgroup. A member of the subgroup could have been intimidated in the meantime, they will not come to the Full Council meeting and things get passed that way.

The subgroups are now being used for the wrong reasons, as a power base to get "their" own agendas through. AM thought that both subgroups should be disbanded to enable everyone to be in the same room when things were discussed. This situation was really disappointing because, in years gone by, these subgroups had been very productive. At the moment they do not work.

MK asked if AM thought that the meetings were chaired well. AM said that they were reasonably well chaired, the previous Chair was not an especially strong Chair. Phill could be strong on occasion but generally let things roll out. However, "with the characters we are talking about, unless the agendas are set in ways in which they want to talk about a subject, they will not shut down". MK asked if AM thought PC and his associates had respect for the Chair and AM replied that they did not. The Chair would sometimes feel so intimidated that he would not want to go to meetings. It ought not to be like that!

MK asked if there was anything else AM wanted to discuss or thought MK needed to know.

AM said that he was expecting at any time for one of the Clerks to claim constructive dismissal due mainly to the way they were treated by Joe Cullen. This might well depend on the outcome of MK's investigation. AM did not feel that councillors had been very good at defending clerks whether inside or outside meetings, especially when email was used to intimidate them.

If it is found that behaviour had been inappropriate towards clerks and councillors then AM would expect these types of claims to come forward. For example, the last clerk gave up another post elsewhere for the role at Willington, but she had only lasted a week. She sent a letter saying she had been pushed out of her job because of some councillors. There was a trend in the behaviour towards clerks.

AM said that Paul and Joe feel that a Clerk is just a minute taker, and anyone can do it. This was patently untrue, and the Council are under a legal obligation to have a professional Clerk in post. If there was not a safe working environment for a clerk then you would end up with a minute taker.

Paul, Joe and Ros feel they could perform this role. If you are wanting things to go a particular way, you would not want a clerk questioning you. AM said he would not feel personally

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comfortable at a meeting without a clerk but that is what Paul and Joe and his associates are suggesting. If are difficult with all the professional clerks out there, then nobody will want to clerk in the parish and then you are at a point where you either run without a clerk or disband.

MK asked what AM thought about disbanding. AM said he thought it would be a real shame but considering where they were at the moment there was not another option if people's behaviours did not change. AM felt that the Parish was totally in limbo. The personality clashes had gone well beyond any business that might take place.

AM went back to the complaint regarding the RAC meeting. He said that the reason Paul went with his camera to the RAC was because the Footpaths and Open Spaces meetings (which are predominantly supported by the new councillors) have been really productive and positive. By contrast the RAC meeting is historical - some of the things are supposed to cross over and he thought PC had the idea that if they could stop the RAC meetings going on, then he could show the community that the Footpaths and Open Spaces Group were the only ones doing anything.

Therefore, the meeting was forcibly shown to be incorrect. Yet the Footpaths Group had previously not been notified to the public, so it too had been procedurally incorrect. Nor have members of the Footpaths Group even shown respect to the clerk by saying that they are even going ahead with a meeting. AM confirmed that meetings of the Footpaths Group were not professionally minuted. Paul had done them previously and Tim had done some, but they had not been accepted because they were inaccurate as some of the things discussed were out of scope of the Group's terms of reference.

AM thought that the various subgroups were being used incorrectly. Rather than disbanding the Council it would be better first to disband the subgroups and just get everything back under the Parish Council. Without doing that there would be a continuing lack of focus. AM said that the Staffing Committee had gone horribly wrong and potentially exposed them as a Parish Council or the employees due to some of the decisions made. AM felt uncomfortable about the response to the last Clerk who resigned. They would not accept her letter of resignation because it was deemed inaccurate as she had said that she felt intimidated and PC had disagreed with its content.

It would be a very sad day of the Parish Council was disbanded.

MK asked if there was anyone else he should speak to. He had heard Martyn Ford's name mentioned. AM said he was the Council Leader and was also the County Council representative for the area. AM said that he thought he would give a balanced honest view. MK asked whether Martyn Ford attends Parish meetings. AM said he does sometimes. He had been a District and County Councillor for many years, he knew the history of Willington and would give MK a very balanced view. [MK subsequently contacted Martyn Ford but received no reply].

AM went on to say that Martyn would most likely discuss the Dragon pub as Joe used to live next door to the pub. Joe and Paul would (quite rightly) get annoyed with the pub because the pub does flout the planning laws and often applies for retrospective planning permission

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for things. However, the issue is the way Joe goes about challenging them, he is very confrontational. Martyn had tried to smooth things over but AM did not know why Joe was so obsessive about the Dragon.

MK asked AM if he thought Martyn had been at any of the meetings which had been discussed and AM said he was possibly at the one at which the filming took place which had upset Claire Carter. It was worth noting that PC took advice on the legality of filming from an activist, Matt Williams, who sometimes attended meetings.

AM went on to talk about resolving the issues in the Parish Council. He was worried that new people joining the Council would see the inappropriate behaviour of councillors and think that it was acceptable when it was not. If they did then the behaviour would just carry on. DALC have offered training and mediation but that would only work if everyone agrees to take part in it and listens.

AM said that recently they have re-started a Neighbourhood Development Plan. It had been going on for about six years but the Cullens had refused to engage with it because it is seen as being acceptance of change and planning. The Neighbourhood Development Plan feeds into the Local Plan. The Local Plan is a legal requirement and the Neighbourhood Plan is an opportunity for parishioners to influence that plan, but it has to be fully supported by the Parish Council. AM said that he saw this as a vehicle that could be used to bring the community together.

The Cullens are opposed to it and will not attend meetings or engage with the NDP in any way because they see it as acceptance of planning, and they do not want any planning to go ahead at all. John Phillips had taken a lead in the plan previously.

AM suggested to MK that they should be told that their behaviour is unacceptable and suggest that training and mediation is compulsory if that is allowed, from DALC or NALC. All standards and procedures should be rewritten by someone other than Paul Cullen or a clerk who is always on the back foot. Someone should get all the conduct stuff and administration in place so that it is democratic and correct and then teach people to be nice to each other. AM said that he really would not like to see the Parish Council disbanded but it was coming close to being the only option.

In summary, AM said there is a lot of good work being done by different people. He said “We have just got to hear other people’s arguments and debates and work together”.

End of meeting 9.45am

Standards Sub-Committee Hearing Procedure

1. The Chairman opens the Hearing.
2. Agenda;
 - (a) note any apologies;
 - (b) ask Members of any declarations of interest arising from any items on the agenda;
 - (c) receive any questions by Members pursuant to Council Procedure Rule No.11.
3. The Chairman introduces himself, invites the Members of the Sub-Committee, and the Independent Persons to introduce themselves. The Chairman invites Officers present to introduce themselves.
4. The Chairman invites;
 - (a) the Investigating Officer to introduce himself;
 - (b) the Member subject of the investigation and any representative present to introduce themselves;
 - (c) any witness(es) to introduce themselves.
5. Proceeding in the absence of the Member subject of the investigation. If the Member is not present at the start of the hearing;
 - (a) the Chairman shall ask the Monitoring Officer whether the Member has indicated his/her intention not to attend the hearing;
 - (b) the Sub-Committee shall then consider any reasons which the Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for failing to attend;
 - (c) if the Sub-Committee is satisfied with such reasons, it shall adjourn the hearing to another date;
 - (d) if the Sub-Committee is not satisfied with such reasons, or if the Member has not given such reasons, the Sub-Committee shall decide whether to consider the matter and make a determination in the absence of the Member or to adjourn to another date.
6. The Chairman explains the procedure to be followed.
7. The Chairman asks the Independent Investigator to present his/her report and call witnesses, including the complainant.
8. The Chairman asks the Member subject of the investigation if there are any questions he/she would wish to put to the Independent Investigator relating to his report or to any witnesses or the complainant.
9. The Chairman asks the Independent Investigator to respond to any relevant questions from the Member.
10. The Chairman asks the Sub-Committee and the Independent Persons if they have any questions of the Independent Investigator, any witnesses, and the complainant.

11. The Chairman asks the Member subject of the investigation if he wishes to make representations to the Sub-Committee and call any witnesses.
12. The Chairman asks the Independent Investigator if there are any questions he/she would like to put to the Member subject of the investigation and witnesses.
13. The Chairman asks the Member subject of the investigation to respond to any relevant questions from the Independent Investigator.
14. The Chairman asks the Sub-Committee and Independent Persons if they have any questions for the Member subject of the investigation and witnesses.
15. The Chairman will allow the Independent Investigator to sum up.
16. The Chairman will allow the Member subject of the investigation to sum up.
17. At the conclusion of the evidence, the Sub-Committee and Independent Persons shall retire to consider in private whether the Member subject of the investigation did fail to comply with the Council's Member Code of Conduct, as set out in the Independent Investigators report.
18. The Sub-Committee and Independent Persons shall then return and the Chairman will announce the Standards Sub-Committee has made a decision. Prior to announcing the Sub-Committee's decision the Chairman will ask the Independent Persons to express their views.
19. The Chairman will announce the Standards Sub-Committee decision as to whether the Member subject to the investigation failed to comply with the Council's Members Code of Conduct.
20. Where the Standards Sub-Committee resolves there has been a breach(es) of the Council's Member Code of Conduct, the Chairman will announce any sanctions the Sub-Committee has resolved to take in respect of such breach(es).
21. The complainant and Member subject of the investigation will be sent a Decision Notice outlining the decision and reasons for the decision within 10 working days.