

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

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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.

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

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"?

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

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.

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

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.

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

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.

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

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.

STANDARDS HEARING STATEMENT 12 – CLLR JOHN HOUGHTON

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