

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.

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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

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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.

[REDACTED]

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.

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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

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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.