

STANDARDS HEARING STATEMENT 09 – CLLR ROS CASEY

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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.

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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.

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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”.

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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

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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.

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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