

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 intimidatory. 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 listed 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 Wellington Parish Council to make Wellington 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]