

STANDARDS HEARING STATEMENT 06 – CONFIDENTIALITY REQUESTED

Notes:

1. The interviewee wishes to maintain confidentiality and has verified the content of this redacted statement.
2. Their statement appears as that of Witness F in Report 1.

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SOUTH DERBYSHIRE DISTRICT COUNCIL (WILLINGTON PARISH COUNCIL) – Complaint LAC/77 (and supplementary letter of 25th September) by [REDACTED] [REDACTED] against Cllr Paul Cullen and Cllr [REDACTED]

Summary notes of conversation between [REDACTED] and Melvin Kenyon (MK - Investigating Officer), Friday 15th November 2019, 1.30pm – [REDACTED] Willington. Also present Karen Potts (KP).

Preamble

MK read the following preamble before starting the interview:

My name is Melvin Kenyon and I am an investigator for the Monitoring Officer of South Derbyshire District Council who has asked me to assist her in this matter. I am myself being assisted today by Karen Potts who will be taking some notes.

It is my normal practice to record interviews and I would like to do that in this case if that's ok with you? I will explain why in a few moments. Could you confirm for the record that you consent to this please?

[REDACTED] gave [REDACTED] consent to the interview being recorded.

For the benefit of this recording it is now Friday 15th November at 1.30pm or thereabouts and we are [REDACTED] Willington.

This is an interview with [REDACTED] about standards complaint number LAC/77 dated 24th June regarding [REDACTED] allegations about the conduct of Cllrs Paul Cullen and [REDACTED] and a follow-up letter from [REDACTED] to the Monitoring Officer dated 25th September regarding [REDACTED] allegations about the conduct of Cllr Paul Cullen.

I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

I normally produce transcripts of interviews for what are called the Subject Member (in this case Paul Cullen and [REDACTED]) and the Complainant (you). However, this time, at least in the case of the Complainants, I won't be doing that simply because transcripts can be very time consuming and therefore costly to produce.

However, I will be writing a summary of what we say today, and I may include verbatim excerpts from the recording in that summary. The summary will be sent to you for comment before it is finalised, and that summary will then form the record of the interview. The recording will not be shared with anyone else without your permission and it will be destroyed once the summary has been agreed by us both.

At this stage (though this may change in the light of the progress of the Investigation) I am intending to produce a single report about the various complaints raised against Paul Cullen and one for [REDACTED]. Before the investigation is completed, they will be sent a copy of their reports and a draft of those parts of the report relevant to you will be sent to you to

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enable you all to make any representations you consider necessary. Having considered comments on the draft reports, I will then issue my final reports. Parts of what we say today may be included in the draft and final reports.

If the case is considered at a hearing, the summary of what you say may be submitted as evidence and you may be called as a witness. If you provide me with information of a private or sensitive nature, I will ask the Standards Committee or its equivalent that this be kept confidential. However, there is no guarantee that my request will be followed, and the information may end up in the public domain.

Please treat information provided to you during the course of this investigation as confidential.

Now before we go any further I want to talk about confidentiality and the practicality of you remaining anonymous once the report is produced. In your Complaint LAC/77 you stated “I would like my details to be kept confidential for fear of being victimised by [REDACTED] and Paul Cullen. [REDACTED]

I will do my utmost to preserve confidentiality during the Investigation. However, once my report has been issued it will then be the responsibility of the Monitoring Officer to do what she can to preserve confidentiality, for example if the Complaint were to progress to a Standards Hearing. If you have any concerns about confidentiality at that point I suggest you speak to the Monitoring Officer.

Clearly natural justice dictates that [REDACTED] and Paul Cullen have a right to a fair investigation and to know about the nature of the complaints made against them. Some of the complaints are very specific and it is likely that they will be able to draw their own conclusions even if complainants insist on anonymity. By contrast, your letter refers to the Willington Parish Council Meeting on 24th September at which several members of the public were present [REDACTED]

Are you content that you understand the situation?

[REDACTED] confirmed that [REDACTED] understood.

Context

[REDACTED] said that [REDACTED] had lived always lived in South Derbyshire and had lived in Willington for around [REDACTED] years. [REDACTED]

Complaint

[REDACTED] said that [REDACTED] would prepare a file of information and arrange for it to be passed to MK after the conversation. [The page numbers in the text below refer to that file of information which was passed in confidence to MK some days later].

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█████ regarded Paul Cullen (PC) and Joe Cullen (JC) as having breached the Code of Conduct by behaving in a “bullying and intimidatory” manner; in a way that a reasonable person would regard as “disrespectful”; and in a way that conferred advantage/disadvantage on particular individuals. █████ said that █████ had also sent information separately to the Monitoring Officer about breaches of the Social Media Policy and disclosure of confidential information. █████ then explained why █████ considered PC and JC were in breach of the policy.

JC had sent an email to various people on 6th May [p6] referring to an email █████ John Phillips (JP), had sent to PC and other councillors on 4th May “suggesting that all people from Liverpool are scumbags and drug dealers” (according to JC).

JC had apparently shared his own email widely but had not shared it with █████. A copy had actually been forwarded to █████ by a concerned resident. JC had urged recipients of his own email to forward JP’s 4th May email more widely since JP had said in his own email that it was “a public service broadcast”. █████ believed that that was inciting hatred towards the Phillips family in the village.

JP’s “Megabus” email of 4th May had arisen out of an email exchange about a car boot sale [p2 – 5] between JP and PC that started on 23rd April with an email from JP. This was then moved on to a discussion about a bouncy castle at the Dragon pub by PC on 4th May (the Cullens “have a thing about the Dragon”). The email exchange escalated over the course of 4th May and culminated in JP’s “Megabus” email that same evening which had mentioned “scumbags and drug dealers”.

On 6th May [p7 & 8] JC made three Facebook posts on (i) Liverpool Echo News (two posts) and (ii) Spotted in Liverpool referring to a “vendetta” against him and PC and describing his (JC’s) version of what had happened. The posts invited Liverpoolians to support him and PC by contacting JP on his parish council email address. █████ believed that this had incited hatred and was in breach of the Parish Council’s Social Media Policy. It also contained a number of untruths.

A subsequent email on 10th May from PC to JP (copying in other councillors) referred to JP’s “racist bigoted” views. It also made derogatory references to councillors Ian Walters and John Houghton. It said that PC had shared the “Megabus” email with Derbyshire and Merseyside Police and the press (including the Liverpool Echo) as well as friends and family from Liverpool [p8/9].

JC had also sent another email [p9 -11], dated 11th May, to Parish Councillors which he reserved the right to share it more widely at his discretion. It accused JP of racism, quoted from HR policies at his employer, █████, and suggested that he might be sending an email to the Daily Mail, the Daily Mirror, the Liverpool Echo and the Derby Telegraph. He included the proposed text of the email to the press in his 11th May email.

All this then led (█████ said) to six unfair, defamatory, one-sided articles in the Liverpool Echo and Derbyshire Telegraph that contained photographs of PC and JC (in their Everton shirts) and a photograph of JP that had been taken from an election leaflet. The publication

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of these articles attracted abusive emails to JP by individuals who had seen the articles. Abusive comments (some of which were threatening, one mentioned a house brick, for example) were made on the Liverpool Echo website. Some of these were subsequently moderated [p15 -39].

In [REDACTED] view there had been a concerted attempt by the Cullens to incite hatred and violence against the Phillips family. In one of the articles PC had been quoted as saying, “A lot of people I have spoken to – including members of my family – are really upset by what he said and that so far nothing has been done about it. It looks like there will be some people from Liverpool coming to the next meeting, on June 11th, who will want to very clearly ask some questions of Cllr Philips – some of my friends and family definitely want to challenge him”. [REDACTED] regarded this as being very threatening. It then added that PC had said, “those in attendance will be well mannered and will behave correctly”. [REDACTED] regarded this as being very threatening.

[REDACTED]

In January 2018 JC had stated that he did not want his photo to be published but had had no compunction in sharing JP’s photo with the newspapers [p38]. If his photo was published, JC had said, he would report the matter to the Monitoring Officer and the ICO.

Derbyshire Police (quoted in Derbyshire Live on 11th June) declined to investigate the matter and said, “The statement, while unpleasant, is not classed as a hate crime under current legal definitions” [p35 -37].

[REDACTED] said that this had been an awful, distressing time for the Phillips family (they were on holiday when much of this happened). JP quickly resigned his position as a councillor and PC was reported in the press as saying that “Although it was absolutely the right thing for him to do, it is somewhat disappointing that he perceives himself as being the victim in this sorry saga, stating that the reason for his resignation was safety concerns for his family, following a recent newspaper article” [p36]. [REDACTED] commented, “What else did PC expect him to do?”

On 4th June JC had also threatened [REDACTED] [REDACTED] by saying that “If you keep removing my post then you leave me with no choice but to send the article to [REDACTED] (JP’s employer) [p26]. [REDACTED]

[REDACTED] JC had himself removed his own 4th June post very quickly - perhaps because he suddenly realised he ought not to have written it? However, [REDACTED] had by then taken a photograph of the post before it was removed.

On 2nd June JC had sent an email to JP at his place of employment copying in several councillors referring to Liverpool FC’s victory in Madrid and suggesting that Megabuses might take them home to Liverpool [p12]. [REDACTED] considered this to be harassment.

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PC had tried to get the matter included on the Parish Council agenda. On 3rd June PC had sent an email to the then Clerk [REDACTED] saying, "...I will view any such move to restrict or veto my request to have this item discussed at Full Council as sympathetic support to Councillor Johnny S Phillips's extreme views". In an email earlier that day the Clerk had quoted legal advice obtained from DALC and advised that the matter was not the business of the Parish Council [p13]. Subsequent to PC's email the Clerk had received what she considered to be a threatening email from a "Scott Glover" that same evening and had immediately resigned [p21].

On 3rd June JC had walked past the Phillips's family home gesturing as captured on CCTV [p18]. Apparently he had also walked past other councillors' homes. [REDACTED] saw this as intimidatory.

After JP's resignation the intimidation had been ongoing. There had then been efforts to remove JP from his role as Chair on the Neighbourhood Development Plan (NDP) which is supported by the Parish Council. JP had since stepped away from the NDP.

There had also been persistent and continuing efforts to get an item onto the Parish Council agenda (e.g. at 11th June meeting) to try to get the Council to apologise for JP's behaviour even though it was now a private matter because he had resigned. This had been minuted (346/19). These efforts had, however, continued. Things were now, however, quieter (except in that respect) now that JP's Willington Parish Council email had been closed down.

[REDACTED] summarised by saying that it felt like the Cullens "could do and say whatever they wanted" without any sanction.

Letter

Whilst a formal complaint form had not been completed MK had been asked by the Monitoring Officer to treat [REDACTED] letter of 25th September as a formal complaint.

The letter first referred to the Extraordinary Parish Council Meeting on 24th July. [REDACTED] had not been at the meeting but understood that "Councillor Paul Cullen referred to Nicky Phillips in his address to the Council and the public who were in attendance. It is [REDACTED] understanding that he switched from being a "councillor" to "a member of the public" to make this statement in the public speaking part. Nicky Phillips was extremely distressed to find out that she was being talked about in such a way with no knowledge". The minute of his statement read, "Cllr P Cullen spoke as a member of the public and responded to comments made at a previous Council Meeting in regard to personal behaviour" [p40]. [REDACTED] did not know what had been said (though others may know) nor did [REDACTED] believe that the meeting had been recorded.

Turning next to the Extraordinary Parish Council Meeting on 24th September [REDACTED] suggested that MK should listen to the recording of the meeting. MK said that he had already heard it but would revisit it.

[REDACTED] said that the Clerk had made a report at the previous Council Meeting and Nicky Phillips spoken in support of that report. She made no personal comments about anyone.

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█████ felt strongly about the need to support the Clerk because the Clerk had stood up publicly “to tell it like it is”. MK asked whether Nicky had gone along simply to “wind up” PC. █████ said she had not. █████ had not expected the response Nicky got from him because he had never reacted like that previously.

Nicky’s words were read out verbatim as follows [p41]:

“I was at the last parish council meeting and heard first hand the clerk’s report. The following valid points were put forward by the clerk:

- *The clerk is there to assist the council to move forward in a positive way. I can only see this as a good thing.*
- *Worryingly, there has been a high turnover of clerks. I think this needs examining as to why.*
- *The council is not functioning effectively. Positive outcomes are difficult to achieve. Not always working for the benefit of the residents. If councillors aren’t working for the benefit of the parish and working against the clerk and other councillors I would like to know what is their agenda?*
- *I was saddened to hear that the clerk has not been treated in the best way by some councillors. I think we owe the clerk a debt of gratitude for the work she has put into this report and how she wants to assist the council to move forward for the ultimate benefit of all parishioners. I now would like to see how this meeting proposes to take on board what the clerk, in good faith, has said and carry out their responsibilities as councillors so that they are ALL working for the good of Willington”*

After Nicky spoke the Chair asked if anyone else had anything to say before he closed the public-speaking section of the agenda.

PC then jumped up from where he was sitting and said that he was going to be speaking as a parishioner, a member of the public. He then came down to where Nicky and her mother were sitting on the front row of the public area. He sat (or possibly stood?) very close but a couple of seats away from Nicky. He then verbally “went on about Nicky”. █████ intimidated because he was physically close to Nicky and was talking about her though he did not mention her by name and did not really look at her.

He said something like “She needs to go back home and speak to her husband” and Nicky was “consistently speaking about him”. Nicky challenged PC and asked him what he meant by “consistently” (because Nicky had not spoken “consistently” about him in a public way).

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

MK asked █████ what PC’s demeanour and gestures were like when he spoke. █████ replied that he was “angry”. He had drawn on what he said at the July 24th Meeting and appeared to be speaking unplanned. Maybe three other councillors, including Cllr Caroline Blanksby,

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stood up and clapped PC and that [REDACTED] It felt like they were “ganging up” on Nicky.

[REDACTED] felt upset by what PC had said in such a public way. Nicky had not deserved it. His use of the word “consistently” had also upset [REDACTED] because he was giving the impression that Nicky had made accusations on several previous occasions when she had not.

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

[REDACTED] had not attended a meeting since that meeting [REDACTED] Nicky had spoken about PC at an earlier meeting on 25th June [p.40] when she saw that JP was to be the subject of an agenda item – a complaint about a member of the public. This was the only time Nicky had spoken about the Cullens at a public meeting. She had said the following:

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

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

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

PC did not respond to Nicky at this meeting.

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

[REDACTED]

As far as the Parish Council was concerned clerks had been bullied. Other current and former councillors had also been bullied. This had not been a simple clash of personalities between [REDACTED] and PC. For context [REDACTED] suggested that MK should also speak to the previous four or five clerks, to former councillors [REDACTED] (who had resigned because of behaviour at the Council), [REDACTED] (a previous Chair), [REDACTED] (a current councillor).

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In response to a question from [REDACTED], MK explained that the more individuals he had to speak to the longer the work would take. There was also a lot of information that MK needed to review including recordings of Council Meetings. The final reports would not be issued until all the interviews had been completed. That was likely to be during the first three months of 2020.

The discussion closed at 2.46 pm.