

## **STANDARDS HEARING STATEMENT 03 – 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 C in Report 1; and Witness B in Report 3.

## STANDARDS HEARING STATEMENT 03 – CONFIDENTIALITY REQUESTED

### SOUTH DERBYSHIRE DISTRICT COUNCIL (WILLINGTON PARISH COUNCIL) – Complaint by [REDACTED] against Cllr Paul Cullen

Summary notes of conversation between [REDACTED] and Melvin Kenyon (MK - Investigating Officer), Friday 10<sup>th</sup> January 11.10 am – [REDACTED] Also present Karen Potts (KP).

#### Preamble

MK read the following preamble before starting the interview:

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

*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] confirmed that [REDACTED] consented.

*For the benefit of this recording it is now Friday 10th January 2020 at 11.10am or thereabouts and we are [REDACTED]*

*For the record this is an interview with [REDACTED] about standards complaint number LAC/107 regarding [REDACTED] allegations about the conduct of Cllr Paul Cullen (PC).*

*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 verbatim transcripts of interviews for what are called the Subject Member (in this case Paul Cullen) and the Complainant (in this case [REDACTED]). However, this time, at least in your case, 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 I am intending to produce one report about the various complaints raised against Paul Cullen, though that may change when I review the evidence. Before the investigation is completed, he will be sent a copy of the report and a draft of those parts of the report relevant to [REDACTED] will be sent to [REDACTED] to enable [REDACTED] to make any representations [REDACTED] consider necessary. Having considered comments on the draft report, I will then issue my final report. Parts of what we say today may be included in the draft and final report.*

## STANDARDS HEARING STATEMENT 03 – CONFIDENTIALITY REQUESTED

*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. Clearly natural justice dictates that Paul Cullen has a right to know about the nature of the complaints made against him. In this case the alleged behaviour took place at a meeting with several councillors and members of the public present and we have evidence from [REDACTED] other people already about this, so this complaint [REDACTED]*

*So, can we talk about confidentiality please? [REDACTED] actually said in the Complaint, “I believe that I should be kept confidential from this complaint as I already feel intimidated by this behaviour”. [REDACTED]*

### **PC’s behaviour and anonymity**

[REDACTED] replied (in some distress) that since the behaviour was continuing [REDACTED] intended to raise another complaint. [REDACTED] felt “totally intimidated” and [REDACTED] “does not know when it’s going to stop”. [REDACTED] continued, “[REDACTED] never felt like this in [REDACTED] life and [REDACTED] not believe that [REDACTED] should”.

“It’s the fact that he’s doing it [recording [REDACTED]] to intimidate [REDACTED] and to get councillors to stand down”. [REDACTED] said that PC probably already knew that [REDACTED] had complained – he had accused councillors of making complaints at Parish Council Meetings and shouted and pointed at fellow councillors. [REDACTED] did not think that knowing [REDACTED] had made a complaint would change his behaviour except that he would probably target [REDACTED] even more than he was already doing.

[REDACTED] therefore had mixed emotions about whether [REDACTED] wanted anonymity. [REDACTED] asked [REDACTED] whether his knowing [REDACTED] had complained put [REDACTED] more at risk than [REDACTED] already was. [REDACTED] did not know where he would stop. His body language, the way he points, the way he asserts himself is very aggressive.

He (mainly) and his friends on the Council wait at the door at the end of Parish Council Meetings such that [REDACTED] cannot leave meetings by [REDACTED] (and [REDACTED] was not alone in that situation, [REDACTED] said, and again became distressed). It was a horrible feeling. [REDACTED] felt intimidated [REDACTED]. A heavy ceramic plant pot had recently fallen over and smashed in [REDACTED] garden and [REDACTED] had wondered whether he had done it. Every mishap in [REDACTED] life left [REDACTED] wondering “Is it him?”. PC is “a horrible person”, “calm and calculated” in his actions and that was what scared [REDACTED] (more distress). This was how he was making [REDACTED] feel.

## STANDARDS HEARING STATEMENT 03 – CONFIDENTIALITY REQUESTED

There had been a discussion with the police before the recent meeting. PC had recorded the meeting and apparently uploaded the film to YouTube, apparently slating them. [REDACTED] had decided not to watch it because [REDACTED] was trying to stay calm and was trying not to get “worked up”. [REDACTED] had had a lot of health issues and [REDACTED] thought that this matter was contributing to those issues such that [REDACTED] was suffering from anxiety because of it.

[REDACTED] did not want to be filmed – the filming that related to this complaint had been very close to [REDACTED], but he had blacked out the film and thus edited it.

MK then said that, once he had produced his report, it would be for the Monitoring Officer to decide how she progressed the report and how she maintained anonymity and confidentiality if the Complaint were to go to a hearing, for example. Redaction of the summary note was also an option to preserve anonymity.

MK said that he himself always did his utmost to maintain confidentiality for all parties who had sought anonymity in investigating and reporting on this and all complaints. Should PC or someone acting on his behalf want more information about the complaint then s/he would need to go to the Monitoring Officer for that information because MK was acting for the Monitoring Officer.

MK confirmed that, in any event, he was dealing with the matter in a fair and even-handed way and was agnostic as to the rights and wrongs of any complaint.

MK asked [REDACTED] whether [REDACTED] was content and agreed with what he had said, and [REDACTED] confirmed that [REDACTED] was.

### **12<sup>th</sup> November meeting**

[REDACTED] took MK through what had happened at the 12<sup>th</sup> November meeting.

Councillors were sitting in an open horseshoe facing the public in “school chairs”, two to a table. [REDACTED] was sitting next to PC. The camera was not on the table at the start of the meeting and PC had not said that he was video recording though [REDACTED] accepted that it was not necessary for him to say that he was filming. [REDACTED] 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, PC had never filmed before, though he had made audio recordings and he had introduced the camera part way through the meeting. [REDACTED] had noticed something “out of the corner of [REDACTED] eye” and assumed he was audio recording. As the meeting progressed [REDACTED] realised it was a GoPro camera and that [REDACTED] was being filmed.

When [REDACTED] became aware of the camera it was three feet away from [REDACTED] and pointed directly at [REDACTED]. When [REDACTED] moved to “test to see if it was a camera” (the meeting was in full swing and [REDACTED] did not want to disrupt it) and to avoid the camera by pushing [REDACTED] chair back to use his body to put [REDACTED] out of shot, PC moved the camera in order to “capture” [REDACTED] and continue filming [REDACTED]. He did this several times. This was absolutely disruptive to the meeting. [REDACTED] to find that the camera was pointing at [REDACTED] and [REDACTED] alone was “intimidating”.

## STANDARDS HEARING STATEMENT 03 – CONFIDENTIALITY REQUESTED

It was at this point that [REDACTED] raised it at the meeting. PC'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".

This made [REDACTED] feel "scared, totally intimidated that someone wants to do that and make [REDACTED] on edge, the heart's racing". PC's refusal to say why he was doing it and pointing it at [REDACTED] alone simply made matters worse. [REDACTED] again became distressed and said that his calmness, the premeditation that he had in everything that he said was "chilling". [REDACTED] in some distress said that [REDACTED] "was frightened of him".

The Clerk is very experienced, fantastic. The Council could not have functioned without [REDACTED] these past few months. Without [REDACTED] the Parish Council would not exist at present. The Clerk said that PC 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 [REDACTED]. "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 PC was persuaded to move the camera and someone in the audience held it instead. [REDACTED] moved and sat in the opposite corner near the Clerk. The meeting then continued.

[REDACTED] did not know where this kind of behaviour was going to stop and that was [REDACTED] real concern. On the face of it, putting a camera next to someone was a trivial matter but [REDACTED] found it very intimidating.

[REDACTED]

What kept going around in [REDACTED] head was that, as a professional, [REDACTED] had a duty to act in a certain way regardless of whether [REDACTED] was at work or not. Then, as a Parish Councillor, [REDACTED] had to abide by the Code of Conduct. [REDACTED] also understood that, as a fire officer, he had a code of conduct to follow. After a recent Parish Meeting he came back into the hall and started shouting at [REDACTED] and the Clerk and putting his face close to [REDACTED]. He had said he knew that he could not get away with doing what he was doing at work. His behaviour was "not normal". [REDACTED] 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.

## STANDARDS HEARING STATEMENT 03 – CONFIDENTIALITY REQUESTED

### Subsequent meetings

PC's intimidatory behaviour was continuing. At the Parish Council Meeting on 10<sup>th</sup> December PC brought the same camera and directed it at [REDACTED] and one or two other councillors in the same shot. PC 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 19<sup>th</sup> December by the Cullens to address the original agenda items. On this occasion "they turned up with three cameras". When [REDACTED] arrived, PC was already seated and had a new camera in front of him. The camera he had used on 12<sup>th</sup> November was in front of Caroline Blanksby, who was filming Claire Carter, John Houghton and Ian Walters. [REDACTED] thought that John was unconcerned about being filmed though he was supportive of how [REDACTED] felt. Ian did not want to be filmed but was not as strong in his opposition to it as [REDACTED] was. He too was supportive of how [REDACTED] 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 PC, even though the camera in front of Caroline had been used by PC on 12<sup>th</sup> November and 10<sup>th</sup> 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 [MK reviewed the video of the December 10<sup>th</sup> Meeting which was posted the following day under the aegis of "Umbrella News Now Derby". PC 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].

### Parish Council and Willington Background

[REDACTED]

