

Supplement to the agenda

Standards Panel

Tuesday 4 February 2025, 10.00 am

Conference Room 1, Herefordshire Council Offices, Plough Lane, HR4 0LE

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A report to request Standards Panel to determine a complaint under the Council's process for consideration of complaints under the Code of Conduct, following referral by the Monitoring Officer of a complaint which cannot be dealt with by Monitoring Officer resolution.

Following the standards panel decision on 4 February 2025, this item was discussed in open session and papers made available for public viewing.



Title of report: Code of Conduct complaint against a Parish/ Town Councillor

Meeting: Standards Panel

Meeting date: 4 February 2025

Report by: Monitoring Officer

Classification

Fully Exempt

This report is exempt by virtue of the paragraph(s) of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A of the Local Government Act 1972, as amended.

2 Information which is likely to reveal the identity of an individual.

Decision type

This is not an executive decision

Wards affected

All Wards

Purpose

A report to request Standards Panel to determine a complaint under the Council's process for consideration of complaints under the Code of Conduct, following referral by the Monitoring Officer of a complaint which cannot be dealt with by Monitoring Officer resolution.

Recommendation(s)

That:

Standards Panel determines a complaint following a referral by the Monitoring Officer.

Alternative options

1. It is for the panel to decide whether there has been a breach of the code of conduct.
2. There are no other options as the Monitoring Officer has determined that the complaint cannot be resolved under Monitoring Officer resolution.
3. The process approved by Council says, at paragraph 3CI:

‘Following completion of a formal investigation, if the MO decides that the matter should be referred to the Standards Panel, the MO will convene a meeting of the Standards Panel and shall give the complainant and the subject member at least 20 working days’ notice. The authority to make a determination of breach rests solely with the Hearing Panel once the Monitoring Officer decides to refer the matter to a hearing.’

Accordingly, once the Monitoring Officer has referred the matter, then only the Standard’s Panel can make a determination as to the complaint.

Key considerations

4. The Monitoring Officer has referred a complaint to the Standards Panel as it cannot be dealt with under Monitoring Officer’s options for resolution following formal investigation.
5. On 25 September 2024, the Council received a complaint that Councillor Sinclair had failed to comply with the Code of Conduct of Ledbury Town Council. The complainant alleged that Councillor Sinclair has failed to observe the Code of Conduct for members, adopted by Ledbury Town Council. The complainant alleged that Councillor Sinclair’s conduct towards him, during an incident that took place on 17 September 2024, was disrespectful and harassing.
6. The complainant also alleged that an email sent by Councillor Sinclair to seventeen recipients on 19 September 2024, appeared to refer to the incident on 17 September 2024 and was in breach of the code of conduct, since it disclosed confidential information and was disrespectful; and that Councillor Sinclair’s conduct brought his role or local authority into disrepute.
7. In responding to the complaint, Councillor Sinclair provided to the Monitoring Officer copies of his communications with West Mercia police, when he reported the incident to them on 20 September 2024. Considered alongside Councillor Sinclair’s email to the seventeen recipients, referred to above, the Monitoring Officer was of the view that paragraph 6.1 of the Code of Conduct, and the following general principles were also engaged:

I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else;

I act with integrity and honesty;

I lead by example and act in a way that secures public confidence in the role of councillor.

8. Following initial assessment, the Monitoring Officer, having consulted with two of the Council’s Independent Persons, decided that the matter should be formally investigated.
9. The Monitoring Officer asked the investigator to consider the following paragraphs, and general principles, of the Code of Conduct for Ledbury Town Council:

1.1 I treat other councillors and members of the public with respect.

2.2 I do not harass any person.

4.1 I do not disclose information which I believe or ought responsibly to be aware of, is of a confidential nature.

5.1 I do not bring my role or local authority into disrepute.

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

I act with integrity and honesty.

I lead by example and act in a way that secures public confidence in the role of councillor.

10. The events giving rise to the complaint are described in the investigation report dated 10 December 2024, by Deborah Nickson, Senior Governance Lawyer.
11. The investigator concluded that Councillor Sinclair had breached the Code of Conduct of Ledbury Town Council.
12. The draft report was provided to the parties, and their comments are included in the final report.
13. The Monitoring Officer considered the options available to her upon completion of a formal investigation, having consulted with two of the Council's Independent Persons.
14. According to the process approved by Council, the Monitoring Officer's options are described at paragraph 3Cj:

Upon completion of an investigation, the MO will make one of the following decisions:

- a. There has been no breach and therefore no further action will be taken;*
 - b. There have been one or more breaches, but no further action is needed (for example: the member has already apologised for the breach);*
 - c. There have been one or more breaches, but the matters should be resolved in a way other than by a hearing (e.g. an appropriate form of resolution or actions to be taken); or*
 - d. That the matter be referred to a hearing.*
15. The Monitoring Officer's decision is that the matter cannot be resolved in a way other than by a hearing, noting that it is less than 12 months since Councillor Sinclair was found to be in breach of the Code of Conduct of Ledbury Town Council in case reference COC045, which is in the public domain. This itself follows a breach in October 2022 (reference COC012). Councillor Sinclair expressed that he was annoyed to find himself the subject of an investigation in this matter and displayed no regret at all for his conduct, indicating to the Monitoring Officer that he would not apologise if he were asked to do so.
 16. In the circumstances, the Monitoring Officer's decision following formal investigation was to refer the matter to a hearing. In reaching this decision, the Monitoring Officer consulted with two of the Council's Independent Persons, who agreed with this decision.
 17. The sanctions available to the Standards Panel, should it decide that Councillor Sinclair has breached the Code of Conduct for Ledbury Town Council, are set out at paragraph 4x. of the Council's arrangements for dealing with complaints under the Code of Conduct for members.

Community impact

18. Having an effective process for dealing with code of conduct complaints upholds the requirements of the Council's Constitution by ensuring that councillors behave with integrity and that councillors are accountable for their actions.

19. This should provide reassurance to the community that councillors are behaving in the best interests of their communities, and that appropriate action is being taken to ensure that the code is being upheld.

Environmental Impact

20. None

Equality duty

21. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is that a public authority must, in the exercise of its functions, have due regard to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

22. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back-office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

23. There are no further resource implications arising as a result of this report.

Legal implications

24. The system of regulation of standards of councillor conduct in England is governed by the Localism Act 2011. Local authorities must have a Code of Conduct for councillors, which must be consistent with the 'Seven Principles of Public Life', selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
25. A referral to Standards Panel forms part of the Council's arrangements for making decisions about allegations made under the Code of Conduct, in accordance with section 28 (6) of the Localism Act 2011, which requires the Council to have in place arrangements under which allegations can be investigated, and decisions on allegations can be made.

Risk management

26. There are no risks arising directly from the report. Maintaining high standards of conduct mitigates risks to the reputation of the council.

- 27. There is no right of review or appeal against the standards panel decision.
- 28. If either party remains unhappy about the process only which has been followed, they may complain to the Local Government and Social Care Ombudsman

Consultees

- 29. None

Appendices

Appendix 1 Investigation Report by Deborah Nickson, Senior Governance Lawyer dated 10 December 2024 (to include appendices 1-19 to the report)

Background papers

None identified.



Code of Conduct reference COC090

Complaint against Councillor Ewen Sinclair of Ledbury Town Council

**Final Investigation Report
REDACTED**

Introduction

1. This is a report by Deborah Nickson, Senior Governance Lawyer, for the Monitoring Officer at Herefordshire Council, into a complaint presented by a member of the public, David Thomas (hereinafter referred to as 'DT') against Councillor Ewen Sinclair, who has been a member of Ledbury Town Council since October 2021.
2. I am a solicitor with over thirty years' post qualified experience, all of which has been in local government since 1996. In my previous role, I was deputy monitoring officer for over six years. I am not employed by Herefordshire Council but have been engaged on an interim basis.
3. I have been asked by Herefordshire Council's Monitoring Officer to investigate this complaint. The Monitoring Officer has responsibility for deciding any outcome from this report, following consultation with two Independent Persons.

Legislation under which the investigation is being carried out

4. The system of regulation of standards of councillor conduct in England is governed by the Localism Act 2011. Local authorities must have a Code of Conduct for councillors, which must be consistent with the 'Seven Principles of Public Life', selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
5. Under s28 (6) of the Localism Act 2011 the Council must have in place arrangements under which allegations can be investigated, and arrangements under which decisions on allegations can be made.
6. Under s28 (7) Arrangements must include provision for the appointment by the 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.
7. Section 27 (2) of the 2011 Act states: In discharging its duty under subsection (1), a relevant authority must 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. Therefore, the Code applies only when a councillor is acting in their capacity as a councillor.

Summary of complaint:

8. Ledbury Town Council adopted the Code of Conduct of Herefordshire Council in December 2022 and a copy of the Code of Conduct is linked here: [Code of Conduct approved Dec 2022.pdf](#)
9. On 25 September 2024, the Council received a complaint that Councillor Sinclair had failed to comply with the Code of Conduct of Ledbury Town Council.

10. The complainant alleged that Councillor Sinclair has failed to observe the Code of Conduct for members, adopted by Ledbury Town Council, by the following alleged conduct:
- (i) The complainant alleged that Councillor Sinclair's conduct towards him, in an incident that took place on 17 September 2024, was disrespectful and harassing.
 - (ii) The complainant alleged that Councillor Sinclair's subsequent email to seventeen recipients, dated 19 September 2024, was in breach of the code of conduct since it disclosed confidential information and was disrespectful.
 - (iii) The complainant alleged that Councillor Sinclair's conduct brought his role or local authority into disrepute.
11. In responding to the complaint, Councillor Sinclair provided to the Monitoring Officer copies of his communications with West Mercia police, when he reported the incident to them on 20 September 2024. When considered in light of Councillor Sinclair's email to the seventeen recipients, referred to above, I was of the view that paragraph 6.1 of the Code of Conduct, and the following general principles were engaged:
- (iv) I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else;
 - (v) I act with integrity and honesty;
 - (vi) I lead by example and act in a way that secures public confidence in the role of councillor.

Relevant sections of the Code:

12. In summary, I therefore considered the following paragraphs of the Code of Conduct:
- 1.1 I treat other councillors and members of the public with respect
 - 2.2 I do not harass any person
 - 4.1 I do not disclose information which I believe or ought responsibly to be aware of, is of a confidential nature
 - 5.1 I do not bring my role or local authority into disrepute
 - 6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else
13. I also considered the following general principles under the Code of Conduct:
- I act with integrity and honesty
 - I lead by example and act in a way that secures public confidence in the role of councillor.
14. A copy of the code of conduct is attached here: [Code of Conduct approved Dec 2022.pdf \(ledburytowncouncil.gov.uk\)](https://ledburytowncouncil.gov.uk)

Events giving rise to the complaint

15. A chronology of relevant events is annexed to this report as Appendix 1.
16. The complainant referred to an incident that took place on Tuesday 17 September 2024 at about 5pm, when he was outside his place of work with a colleague. The complainant says that he saw Councillor Sinclair and another councillor, Councillor Tony Bradford

(hereinafter referred to as 'TB'), walking towards him and that they stopped directly in front of him.

17. The complainant says that Councillor Sinclair looked directly at him and said to TB, in a mocking tone 'I know, let's go to The Barn for a drink tonight' and was laughing at the complainant. The complainant was extremely upset by this, due to events that he says led him having to leave his home, due to circumstances concerning The Barn and his complaint against that establishment for noise nuisance, over a number of years. The complainant says that Councillor Sinclair was aware of this context.
18. The complainant admits that he lost his composure and followed Councillor Sinclair and TB down the road, intending to catch up with Councillor Sinclair to tell him that he would regret what he had said because the complainant intended to report the incident to Ledbury Town Council and to the Police.
19. Following the incident, the complainant was made aware of an email that Councillor Sinclair sent from his private email address, at 23:46 on 19 September 2024, to seventeen people entitled 'Winding People Up'. The recipients included the owner of The Barn (first recipient); the chairman of North Herefordshire Conservative Association ('NHCA'), (sent to his private email address) and various other accounts including councillors of Ledbury Town Council and Herefordshire Council (all sent to their private email addresses). Attached to the email was a PDF document entitled 'Don't Mention The Barn', which was a copy of the complainant's brother's complaint to Ledbury Town Council about the incident on 17 September 2024, and which featured his brother's personal contact details, which were thus shared with the seventeen recipients.
20. The email in question was also provided to me by Councillor Sinclair. It was sent from his personal email account and said:

Subject: 'Winding People Up'
'Winding people up is fun, I got a spectacular bite on Tuesday. Please read the attached; for mentioning The Barn, I am being reported to the police and monitoring officer. This nutter ran down the road after Tony and myself, he was very 'threatening' and got very upset because I laughed at him. The idiot went visited the LTC office, to complain, to be told they can do nothing. His brother reported me to the Chief Exec of Herefordshire Council and the police, how scary. Even better, he reported me to Bill Wiggin MP, he must have been getting advice from REDACTED, the NHCA chairman, who loves a good liar. The imbecile, with the Union Flag, the wrong way up!'
21. The email included a photograph of the former Mayor of the Town Council holding the Union flag that is referred to, attending an event that I understand was the Ledbury Rally.
22. The complainant says that he was shocked when he saw this email and was concerned about Councillor Sinclair's use of language, referring to him as a 'nutter', an 'idiot' and a 'liar'.
23. The complainant's brother, Jonathan Thomas ('JT'), reported the incident to West Mercia Police, reference number CDS-143573-24-2200-002. No further action has been taken, so far as the police are concerned.
24. On 20 September 2024 Councillor Sinclair reported the incident to the West Mercia Police [and received a response dated 25 September 2024.

25. On 25 September 2024, the complainant made a complaint to the Monitoring Officer, alleging that Councillor Sinclair had breached Ledbury Town Council's Code of Conduct.

26. At initial assessment stage, the Monitoring Officer considered the complaint was unsuitable for informal resolution and, having consulted with the Independent Persons, the Monitoring Officer decided that the matter should proceed to formal investigation.

27. The matters that I have been requested to investigate are:

The incident that took place on 17 September 2024, outside **REDACTED** in Ledbury between Councillor Sinclair and complainant

The subsequent email to seventeen recipients, dated 19 September 2024, entitled 'Winding People Up'.

The email referral to the Police on 20 September 2024.

Evidence

28. In reaching my conclusions to this investigation, I relied on the following evidence: -

- Chronology of events (Appendix 1)
- Complaint dated 25.09.24 (Appendix 2)
- Email 19.09.24 from Councillor Sinclair to seventeen recipients headed 'Winding People Up' (Appendix 3)
- Attachment to email dated 19.09.24 headed 'Don't mention The Barn' (Appendix 4)
- Emails between Councillor Sinclair and West Mercia Police dated 20.09.24 (Appendix 5)
- Witness statement submitted with complaint by JT dated 25.09.24 (Appendix 6)
- Response from Councillor Sinclair dated 07.10.24 (Note of telephone conversation: Appendix 7)
- Interview with the complainant's colleague, 'X' dated 22.10.24 (Note of interview: Appendix 8)
- Interview with complainant dated 23.10.24 (Note of interview: Appendix 9)
- Interview with the complainant's brother, JT, dated 23.10.24 (Note of interview: Appendix 10)
- Interview with witness, Councillor Tony Bradford ('TB') dated 29.10.24 (Note of interview: Appendix 11)
- Note of telephone call with TB dated 06.11.24 (Appendix 12)
- Interview with Councillor Sinclair dated 06.11.24 (Note of interview: Appendix 13)
- Note of telephone call with DT dated 11.11.24 (Appendix 14)
- Minutes of Ledbury Town Council Planning and Economy Committee dated 19.05.22: [Planning--Minutes-19.5.22-FINAL.pdf](#)
- Statement of DT dated 19.05.22, referred to in the Minutes of Ledbury Town Council's Planning and Economy Committee dated 15.05.22 (Appendix 15)
- Statement of JT dated 19.05.22, referred to in the Minutes of Ledbury Town Council's Planning and Economy Committee dated 15.05.22 (Appendix 16)
- Minutes of Ledbury Town Council Planning and Economy Committee dated 08.09.22: [Planning-Minutes-8-September-2022-Signed-F.pdf](#)

- Statement of DT dated 08.09.22, referred to in the Minutes of Ledbury Town Council's Planning and Economy Committee dated 08.09.22 (Appendix 17)
 - Consideration of comments received on draft report (Appendix 18)
 - Email referred to by Councillor Sinclair in his comments on the (Appendix 19).
29. A draft of this report was provided to Councillor Sinclair and to the complainant. Comments were received from each; they were considered and are reflected in this final report. A schedule of the comments is included as Appendix 18 to this report.

Evidence of DT

30. I interviewed the complainant, DT, by telephone on 23 October 2024 and an agreed note of our meeting is attached as Appendix 9. DT confirmed that he is the complainant in this case.
31. The complainant's written complaint (Appendix 2) presented a detailed context to the incident on 17 September 2024. I said that I would like to ask DT about the following issues: the incident that happened on 17 September 2024; the background and context to the incident; and the impact of the event and subsequent events on DT.
32. I asked DT about the background to the incident, involving past events concerning The Barn. DT explained that he had lived in Ledbury for nearly 50 years and had, until April 2024, lived in a flat opposite to a venue known in Ledbury as The Barn. DT had lived in his flat for 18 years. The Barn is a property which was previously owned by Herefordshire Council and is situated opposite to DT's former home. In 2018 the property was purchased by the current owner, who converted it to a social venue, which hosts live music events. This attracts crowds every weekend and was quickly a source of concern to DT, due to the level of noise created. DT described a situation in which he was unable to stay in his home at weekends, due to the noise from The Barn, and he was unable to relax in his home.
33. The background is more fully described in DT's complaint, and he also referred to statements he had lodged in support of his complaints about noise (Appendices 15-17). In summary, DT told me that the impact of this situation was severe, including in terms of his mental and physical wellbeing. DT said that he sought the support of his GP, being anxious and unable to sleep, and was prescribed anti-depressants, which he had never required previously. He said that his entire life had been adversely affected, including the impact on his relationships and indeed, personality, which DT described as entirely changed by these events.
34. In April 2024, DT moved to another residence in Ledbury, since his complaints about The Barn had ultimately been unsuccessful, and the venue continues to operate to date, having had its licence restored in 2023.
35. I asked DT to describe the incident on 17 September 2024. DT confirmed that he is the Manager of **REDACTED** shop, in Ledbury. He has worked at the shop for seven years and has been the Manager for two years. On 17 September 2024, DT was working with his colleague, X. Just before the shop was due to close at 5pm, DT and X were preparing to close for the day, which involved going in and out of the shop premises, to bring in display tables that are situated outside the shop.
36. Whilst they were outside, DT saw two men, whom he knew to be Councillor Ewen Sinclair and Councillor Tony Bradford ('TB') walking towards him. DT said that he knew Councillor Sinclair as a councillor, although not to speak to. He said he had seen Councillor Sinclair in

the papers from time to time, and he knew him to be a supporter of The Barn during enforcement proceedings concerning its licence; he had also seen Councillor Sinclair's campaign leaflets when he stood as a candidate for Herefordshire Council. DT said he knows TB as a councillor and knows him well enough to say hello and chat to.

37. DT said that Councillor Sinclair and TB stopped directly in front of him and Councillor Sinclair said to TB 'I know, let's go to The Barn for a drink tonight'. DT described Councillor Sinclair as laughing at him, and almost 'gurning' when he said this.
38. I asked whether it was possible that DT had simply overheard a private conversation. DT was certain that this was not the case because the two men stopped directly in front of him, DT said that Councillor Sinclair was laughing at him and in DT's observation, intended DT to hear what he said.
39. I asked what TB's demeanour was during the incident. DT said that TB was neither laughing, nor did he say anything.
40. I asked DT how he was sure, as he had stated in his complaint, that Councillor Sinclair would know that his comment would upset DT. DT said he believed Councillor Sinclair would know this because firstly, as a Ledbury Town Councillor, he would be aware of DT's complaint about The Barn, since the issue was one that was raised at the Town Council meetings, at which DT had spoken on more than one occasion. He said he made statements at Ledbury Town Council meetings and was open about the adverse impact on him, of events concerning The Barn. Secondly, DT said that Councillor Sinclair is a friend of the owner of The Barn, who dislikes DT due to his complaints about The Barn, and whom DT says continues, to the present date, to 'goad' DT by laughing at him and pointing him out to others in passing.
41. DT explained that the comment made by Councillor Sinclair caused him to lose his composure. He linked this to what he had told me about the impact of events on his personality, which he felt included a reduced ability to manage such situations without losing his composure.
42. DT said that he went back into the shop initially but was so upset by the incident, that he left the shop to follow Councillor Sinclair and TB, intending to tell Councillor Sinclair that he would be reporting the incident to the police.
43. DT said that he noted that Councillor Sinclair and TB had turned right in Harling Court after they walked on from the shop. With reference to Councillor Sinclair suggesting, in his email to others after the event, that DT ran after them, DT said Councillor Sinclair would not have been able to say this, since he was out of sight. DT said he did not run but he did follow them into Harling Court.
44. I told DT that Councillor Sinclair referred, in his response to the complaint, to DT's use of bad language. DT said he was not able to recall what he said exactly. DT said he told Councillor Sinclair that he would regret what he had said because DT intended to report the matter to the police. DT said Councillor Sinclair took his phone out of his pocket and DT wondered if he was going to record the conversation. DT said Councillor Sinclair was laughing at him throughout.
45. I asked DT what TB's demeanour was at this point. DT said TB was not laughing and did not say anything, though he did not intervene.
46. DT said that he then went back to the shop to continue closing it. He then went to visit his mother, who lives nearby. He told me he did not tell her what had happened, not wishing to

upset her. He did, however, tell his brother, JT, what had happened. DT said that he found the recent incident extremely upsetting, disrespectful and intimidating.

47. DT said that he reported the incident to the police on 19 September 2024 but received no response.
48. I asked DT what had happened after the incident on 17 September 2024. DT told me that he was made aware, on the morning of 20 September 2024, of an email that Councillor Sinclair had sent to seventeen recipients on the evening of 19 September 2024.
49. I asked DT how he was made aware of the email dated 19 September 2024. DT said that a customer of the **REDACTED** shop, whom DT knows as an acquaintance, was one of the recipients of the email. DT said he was shocked when he read the email, and at the number of recipients included. DT said that Councillor Sinclair's use of words such as 'nutter' supported his belief that Councillor Sinclair was aware of the background concerning The Barn and the fact that his comment would upset DT. He was not sure who the word 'liar' referred to; he believed it to refer to either himself or his brother.
50. I asked DT whether he had had any further communication with Councillor Sinclair since the incident on 17 September 2024 and DT said he had not.
51. Following my interview with Councillor Sinclair, I contacted DT to ask him whether he recalled an incident prior to that which occurred on 17 September 2024 where he approached Councillor Sinclair as he was getting into his car (Appendix 14). DT confirmed that he recalled that he saw Councillor Sinclair and Councillor Bradford walking down New Street around six months ago, and he went up to Councillor Sinclair to ask him why he supported The Barn, knowing the issues about noise and licence problems. DT told me that he could not recall the detail of the conversation, though he said he did raise his voice, and he thought he called Councillor Sinclair 'a moron' but he did not think he was shouting. He recalled Councillor Sinclair replying to his question, that he enjoyed going to The Barn. DT could not recall any more detail because he said it was quite a long time ago.
52. I also asked DT on 11 November 2024 what he recalled about him speaking to TB the day after the incident but, reflecting TB's recollection of the event, DT said it was not challenging at all, and that he frequently talks to TB, who often walks past the shop.

Evidence of Councillor Sinclair

53. I met with Councillor Sinclair at Ledbury Town Council offices on 6 November 2024. A note of our meeting is attached as Appendix 13. Councillor Sinclair did not agree the note of the meeting. Councillor Sinclair confirmed that he is a member of Ledbury Town Council, and the subject member of the complaint.
54. Councillor Sinclair said that the complaint is about matters that occurred when he was not acting in his capacity as a councillor, and I explained that part of the investigation is to determine if that is the case.
55. I confirmed that I wanted to discuss four areas with Councillor Sinclair:
 - (i) The background and context to the incident on 17 September 2024;
 - (ii) The incident on 17 September 2024;
 - (iii) Councillor Sinclair's email to a number of recipients on 19 September 2024
 - (iv) Councillor Sinclair's reporting of the matter to West Mercia Police.

Background

56. I asked Councillor Sinclair to explain the background to the incident, with reference to The Barn. Councillor Sinclair said he encountered DT in Ledbury last summer, when Councillor Sinclair was getting into his car, opposite the Co-op in New Street. Councillor Sinclair said that DT started screaming and shouting at him, saying 'you like going to The Barn don't you'. I asked Councillor Sinclair if by 'summer' he meant 2023 or 2024. Councillor Sinclair wasn't certain but thought it was about 3 months ago. Councillor Sinclair told me that, at the time, he didn't understand what DT's behaviour, which he described as completely unprovoked, was about.
57. I asked Councillor Sinclair what he knew about the impact of past events concerning The Barn on DT. Councillor Sinclair said he understood there was an ongoing 'feud' between DT and the owner of the Barn. Councillor Sinclair said that the owner of The Barn is a friend of his and that he does attend live music at The Barn. Councillor Sinclair said that he spoke to the owner of The Barn, his friend, and then understood the context around DT trying to get The Barn's licence revoked. Councillor Sinclair said he had 'no idea about' past events other than what his friend told him.
58. I asked Councillor Sinclair about our conversation on 07 October 2024 (Appendix 7), when Councillor Sinclair told me that he spoke as he did to DT on 17 September 2024, intending to 'bait' and 'goad' him. Councillor Sinclair confirmed that this was correct, and said he made no bones about that. Councillor Sinclair recalled that he said to Cllr Bradford ('TB'), something like 'The Barn is open tonight do you fancy going for a drink'.
59. I asked Councillor Sinclair how he knew his comment to DT would 'wind him up' and Councillor Sinclair said he knew this because of the previous incident where DT had shouted at him. Councillor Sinclair said that he didn't understand it would work as spectacularly as it did, but he thought DT's behaviour was shocking.
60. I asked Councillor Sinclair why he wanted to 'bait' DT at all, and he told me this was because DT had shouted at him some months previously. Councillor Sinclair told me he had no idea about DT's state of mind.

Incident on 17 September 2024

61. I confirmed with Councillor Sinclair that the incident took place on 17 September 2024, as there was an error in his email referring the matter to the police.
62. Councillor Sinclair told me that, on 17 September 2024, he had been in The Feathers with Tony Bradford (TB), who is also a Ledbury councillor. Councillor Sinclair said he had been in The Feathers for about 1-1 ½ hours and had had only tea to drink. Councillor Sinclair told me that he had been friends with TB since before he became a councillor. TB had been in The Feathers a bit longer than he, and TB had left first and went to Boots. They then bumped into each other as Councillor Sinclair left The Feathers, and they walked together towards **REDACTED** shop.
63. Councillor Sinclair said DT was near the doorway as they approached, and Councillor Sinclair said in a matter of fact way to TB something like 'The Barn is open do you fancy a drink'. He says DT then screamed 'you twat' at the top of his voice and shouted, 'you moron'. Councillor Sinclair told me that he did not raise his voice, but he did intend DT to hear the conversation. He said he intended to 'bait' DT and intended it as 'a wind up'. Councillor Sinclair said he felt this was a perfectly reasonable thing to do, due to DT previously shouting at him.
64. I asked when a plan to 'wind up' DT formed in Councillor Sinclair's mind, and he told me there was no forward planning, it just 'shot into his head' as he was walking along.

65. Councillor Sinclair confirmed my understanding that there were two parts to the incident - outside the shop and then after turning off New Street. Councillor Sinclair recalled that DT was shouting at the shop and that a woman at **REDACTED** tried to calm DT down; he did not know her but assumed she was doing this due to what he felt was an 'overreaction' on DT's part.
66. Councillor Sinclair said that he and TB were going to look at a van at Harling Court and had turned right off New Street into Harling Court. He said they heard footsteps behind them and after about 20 metres into the Harling Court, Councillor Sinclair said he turned and saw DT and asked what the matter was. He said that DT continued to 'hurl abuse' and he and TB left him there and walked on.
67. I asked Councillor Sinclair whether he had laughed at DT, and he confirmed he did. Councillor Sinclair said he had wanted to wind DT up because DT had shouted at him previously. He said that it wasn't vengeful but was intended as a wind up.
68. Councillor Sinclair said that TB was shocked by the incident, although he has not discussed that much with TB and that it didn't take long for them to get over it. I asked whether he had been worried about TB, noting that the referral to the police mentioned TB's age. Councillor Sinclair said TB is perfectly capable of looking after himself, noting that he had spent time with the South Africa Defence Force.
69. I asked if Councillor Sinclair had been worried for himself and he told me he had not been, since he is 'fairly robust'. Councillor Sinclair said he didn't feel threatened since he has been in dodgy situations before and someone shouting at him in Ledbury doesn't come up the scale.

Email dated 19 September 2024

70. I next talked to Councillor Sinclair about the email that he sent on 19 September 2024 to seventeen recipients. I asked firstly why Councillor Sinclair had sent the email and he told me that his comments about the flag were intended to wind up the chair of the North Herefordshire Conservative Authority ('NHCA'), whom Councillor Sinclair said had been told a pack of lies but believed them without question, hence the reference in the email to 'loves a good liar'.
71. I asked whether Councillor Sinclair meant that the email was not about the incident involving DT. Councillor Sinclair said he wanted to be clear about the context and explained that the email refers to complaint COC045 submitted the former Mayor of Ledbury Town Council ('Y'). Councillor Sinclair said that Y, in her capacity as a Herefordshire councillor was fully briefed about the things about the War Memorial that went wrong. Councillor Sinclair said that, as a Town Councillor and Mayor, Y had joined with people who had lied about the war memorial against him.
72. I expressed surprise with this explanation for Councillor Sinclair having sent the email on 19 September 2024, and asked if I may check my understanding, noting that the first two lines refer to the incident on 17 September 2024. Councillor Sinclair said that I was misunderstanding the context, and he explained that the important bit in his email is '*he must have been getting advice from **REDACTED**, the NHCA Chairman, who loves a good liar. The imbecile, with the Union Flag, the wrong way up!*' Councillor Sinclair said that 'the imbecile' was Y, and the email was about Y, whom Councillor Sinclair was referring to as a liar.

73. I asked why Councillor Sinclair included 17 recipients to the email and he told me that the vast majority are members of NHCA and it was not a public email. Councillor Sinclair said it was sent intending to raise Y's part in COC0045 and that the email was about the War Memorial. The reference to 'liar' is about Y, who Councillor Sinclair said was fully briefed and had changed sides. Councillor Sinclair said the email was sent with reference to COC045, because of Y and **REDACTED**, and the War Memorial.
74. I asked why the email was sent so late in the evening and Councillor Sinclair explained that he had been to a council meeting that evening, which did not finish till 9.30pm. Councillor Sinclair could not remember if the lerk was copied in, but said he had already telephoned the lerk, because he thought it possible that DT might come into the office to complain about him.
75. I asked whether Councillor Sinclair thought the recipients of the email would have understood the context that he had explained to me, noting that on its face, it appeared to be about the incident with DT. Councillor Sinclair acknowledged that quite a few people had telephoned him to ask what the email was about, and he told me that his wife had said he been far too cryptic. Councillor Sinclair said he had told those who asked, that the email was not about the incident, it was about the lies told by Y. Councillor Sinclair said that his intention, in sending the email, was to shine a light on the War Memorial and Y's role in that, in that she told **REDACTED** a pack of lies and he believed them.
76. I asked, in light of this, why Councillor Sinclair referred to DT as 'this nutter' and 'idiot'. Councillor Sinclair explained that when someone screams 'you twat' and 'you moron' at top of their voice, he doesn't know how else you would describe them.
77. I asked whether Councillor Sinclair considered the impact of deliberately winding DT up, and whether he felt it had been fair to goad DT. Councillor Sinclair told me that there was no point goading DT if he didn't think it would work. Councillor Sinclair said he would not wind people up if it was not going to work, saying 'the only people who are worth winding up are those who will rise to the bait'. Considering this opinion, I asked whether Councillor Sinclair thought deliberately winding someone up could be justified, and he said yes, if someone calls you a twat and moron at top of their voice. He said that it was an overreaction of epic proportions by DT. Councillor Sinclair said that he suspected a reaction but not one as volatile as it was.
78. I asked whether Councillor Sinclair recalled DT coming to Ledbury Town Council meetings in 2022 to discuss The Barn. Councillor Sinclair noted that he had already explained in his written response to the complaint that he was not present at those meetings.

Email referral to the Police 20 September 2024

79. I went on to ask Councillor Sinclair about his reporting the incident to the police and asked why he had done so. Councillor Sinclair confirmed that he did this on advice from a friend because he was aware that DT's brother had reported the incident to the police. Councillor Sinclair reported the incident to PC Jack Davies of West Mercia Police, Safer Neighbourhoods Police Officer (SNPO). Councillor Sinclair confirmed that no further action had been taken.
80. Councillor Sinclair said he waited till 20 September 2024 to report the matter because he did not know until then that it has been reported. Councillor Sinclair was not certain at first but upon discussion confirmed he made the report after receiving notification that DT's brother had referred the incident to the police. Councillor Sinclair said he wanted to put his side of the story.

81. Councillor Sinclair said he made the referral to a named officer, PC Davies, because this officer had come to a number of Ledbury Town Council meetings, and there is a close connection between the policing team and the Town Council.
82. I said to Councillor Sinclair that I had noted that the referral to PC Davies did not describe the incident in similar terms to the email to the 17 people on 19 September 2024, nor to the conversation I had had with Councillor Sinclair on 7 October 2024. I asked why the referral made no reference to Councillor Sinclair goading, laughing at, or baiting DT. Councillor Sinclair said that he did not say that in the referral, because he did not consider it was relevant.
83. I asked Councillor Sinclair whether he thought, on reflection, that reporting the incident to the police but not making the point about having 'goaded' and 'baited' DT gave the police all the relevant information and Councillor Sinclair said that he did not think that made any difference. He said that he did not make a decision to leave out these points out, but it made no difference. I expressed surprise, and suggested the information seemed key to the incident. Councillor Sinclair was clear that, in his view, it was not and the two were 'totally unrelated'; he said that free speech allows winding people up, so it is not relevant to the police. Councillor Sinclair said he thought that what was relevant was DT having run after him and TB and screamed at them.
84. Councillor Sinclair confirmed the email was sent in response to the email he received from DT's brother and said that my assumption was correct, in that the email was written in some haste because he had been surprised that a report had been made about him, since winding people up is not a crime in this country. Councillor Sinclair explained that a number of assumptions had been made him ie. DT's brother assuming Councillor Sinclair knew something about his brother, but Councillor Sinclair said he didn't know anything about these things.
85. I asked Councillor Sinclair about him saying, in his email to police: '*...Neither of us were acting in our capacity as councillors*' and I asked why he said the incident was not to do with Ledbury Town Council but sent it from his council email account. Councillor Sinclair said that he did not think about it at the time. He said that PC Davies' email address was in his council email address book, so he just sent it from there. Councillor Sinclair said it was nothing to do with him being a councillor or with council business.
86. I asked why Councillor Sinclair copied in the clerk and Councillor Chowns. Councillor Sinclair said this was because he was aware that DT or his brother had been to Ledbury Town Council offices about making a complaint against him, so it was relevant to them.
87. I asked Councillor Sinclair about the part of the email to the police where he said that the next day, DT shouted at TB. Councillor Sinclair said this was what TB told him the next day, although Councillor Sinclair was not there. Councillor Sinclair said TB told him he had been walking up New Street and DT started shouting at him.
88. Councillor Sinclair stated that he wanted to make the SNPO aware of what had happened because he was not the only person who had been shouted at by DT. Councillor Sinclair said he later found out DT has shouted at others. He said he was also aware that a report had been made to the police and there was a crime number, so he did not want neighbours to see the police knocking at his door.
89. I asked whether Councillor Sinclair considered his police report included full enough details, and he confirmed that it did. Councillor Sinclair says if you wind someone up and they hit you, unprovoked, then that is a crime. If you wind someone up and they shout, it's a public order offence.

90. I asked whether Councillor Sinclair wanted to highlight anything else that we had not covered, and he confirmed his view that the complaint did not concern council business, he was not acting as a councillor, and this was nothing to do with Ledbury Town Council. Councillor Sinclair said he was astonished we were there and that he considered it to be a waste of Herefordshire Council's resources and an inconvenience to everyone to be here.

Evidence of JT

91. I met with the complainant's brother, Jonathan Thomas ('JT') on 23 October 2024 and an agreed note of our meeting is attached as Appendix 10.
92. JT had supplied a written statement in support of the complaint (Appendix 6), which I had read, and in which he described the background to the case from the complainant's perspective.
93. I explained that I wished to ask JT about the background and context to the incident that happened on 17 September 2024; and about the impact on DT. I explained that, since JT did not witness the event on 17 September 2024, this would not be part of the interview, which JT understood.
94. I asked JT about the background to the incident, involving past events concerning The Barn. JT described a close family relationship with his brother, DT, which, over the past five years, had included a high level of support in relation to events concerning The Barn. JT explained that those events had had a severely adverse impact on DT's mental and physical health. He said that DT's experiences had changed him, reducing him to an angry and depressed person, with less ability to manage his emotions. JT highlighted his expertise as a mental health professional himself, which he felt enabled him to make credible observations about his brother's experiences. He said that DT sought help from his GP and was prescribed anti-depressants, at a point where the situation was 'eating him alive'.
95. I asked whether JT knew Councillor Sinclair and JT told me that he knew that he is a councillor but no more than that.
96. I asked JT how he was sure, as he had stated in his witness statement for the complaint, that Councillor Sinclair would know that his comment would upset DT. JT said that in his view, the heading of Councillor Sinclair's email, 'Winding people up', clearly demonstrates his knowing this. JT posed the question why else would Councillor Sinclair head his email in this way? JT believed Councillor Sinclair's comment was intentionally voiced to 'wind up' DT and that the heading very clearly demonstrated that.
97. JT added to this by saying that he was sure Councillor Sinclair would know the comment would upset DT because the first recipient of the email that Councillor Sinclair sent on 19 September 2024 is the owner of The Barn, who JT understands to be a friend of Councillor Sinclair's. He said that he thought it was significant that Councillor Sinclair included the owner of The Barn as the first recipient, suggesting Councillor Sinclair wanted him to know what had happened. JT said that Councillor Sinclair supports The Barn and promotes it on his Facebook page.

98. JT also believed Councillor Sinclair would know the history of events through his role as a councillor, since those events were matters for Ledbury Town Council's agenda on more than one occasion, and DT's complaint, as well as the personal impact upon him, was well known and documented by Ledbury Town Council.
99. I asked JT how he became aware of the email dated 19 September 2024. JT said that DT gave him a printout of the email, which had been shared with DT by a customer who was a recipient of the email.
100. I asked JT what his observations had been about the email and what steps he took. JT said that he was very alarmed. He knew none of the recipients at that stage, save for the Leader of Herefordshire Council, whose inclusion in the email greatly worried him. JT said he could not think of a good reason for this and was worried about whether something 'corrupt' was going on. I asked JT why he might think that. JT said they had had several communications with the Leader over the past few years, in relation to DT's complaint about The Barn. He therefore had the impression that the inclusion of the Council's Leader was significant and possibly 'sinister'. He said the fact that the Leader is Councillor Sinclair's boss made his suspicions more worrying.
101. I explained that the Leader is not Councillor Sinclair's boss and that, whilst the Monitoring Officer for Herefordshire Council has legal responsibility to consider complaints about the conduct of councillors, including town and parish councillors in Herefordshire, there was no connection between Councillor Sinclair and the Leader. JT acknowledged this and told me that he had received an email from the Leader to say he did not know why he had received the email from Councillor Sinclair, and that he did not condone any behaviour that is disrespectful and found the tone of the email from Mr Sinclair 'totally unacceptable'. However, JT's concerns initially were as described above.
102. JT said that he informed the police about the incident on 17 September 2024 via their website. He wanted advice, in light of DT's mental wellbeing around this issue. JT said that an officer called him back and was helpful but told JT that DT would have to log the incident himself, which DT did.
103. JT told me that he also emailed Councillor Sinclair to tell him the police had been informed of the incident, and he raised a complaint with the Town Council, before supporting DT's complaint under the Code of Conduct to the Monitoring Officer.
104. JT said that he had not had any further communication with Councillor Sinclair since these events in September 2024.

Evidence of X

105. I interviewed the complainant's colleague, X, by telephone on 22 October 2024 and an agreed note of our meeting is attached as Appendix 8.
106. I said that I wished to ask X about an incident that happened on 17 September 2024, and to ask whether X was aware of any relevant context to the incident.
107. X explained that she works at **REDACTED** shop in Ledbury. Her colleague is David Thomas ('DT') whom X was aware is the complainant in this case.
108. I asked X to describe her observations of the incident on 17 September 2024. X said that on that date, she and DT were working at the shop. Just before the shop was due to close

at 5pm, DT and X were preparing to close for the day, which involved going in and out of the shop premises.

109. Whilst they were outside, X said she observed two men, neither of whom she knew, walking past the shop. X said that, as they came up to the shop, one man said 'Oh, let's go to The Barn tonight'. X said this was said in a loud voice, which X believed was raised with the intention of being heard, and she had the impression the man who spoke knew DT.
110. I asked X whether it was possible that the comment had just happened to be said as the men were passing the shop. X was sure this was not the case because she believed the volume that was used was deliberately raised, which she thought was an opportunistic attempt to provoke DT.
111. I asked X why she thought the comment would provoke DT. X said that she is aware, although not in detail, of past events that would mean that DT would be upset by the comment made in relation to The Barn.
112. X said that she continued with the tasks of closing the shop and she went inside. She said that she saw that DT went to speak to the man who had spoken to him, but she did not hear or see anything further.
113. X said that DT came back into the shop quite quickly, and she observed that he seemed upset and cross about what had happened. X said that they did not discuss the matter, but she could see that DT was upset.
114. X said that she thought at the time that the comment was made opportunistically, and that it was childish behaviour. The comment appeared to X to be an unnecessary attempt to provoke DT. X said that she felt that the man who spoke to DT should be ashamed of his behaviour, especially as she now understands that he is a councillor.

Evidence of TB

115. I interviewed a witness, Councillor Tony Bradford ('TB') by telephone on 29 October 2024 and an agreed note of our meeting is attached as Appendix 11.
116. I asked TB to confirm that he is a witness in relation to a complainant by DT in this matter, which he did. I explained that the interview was part of the Code of Conduct complaints process, concerning DT's complaint about Councillor Sinclair. TB was aware of the complaint, having been told about it by Councillor Sinclair. Having been a councillor for many years, TB confirmed his understanding of the process within which the case is being considered.
117. I said that I would like to ask TB about the incident that happened on 17 September 2024 when he was walking through the town with Councillor Sinclair.
118. TB said that he had bumped into Councillor Sinclair when they were each leaving The Feathers Hotel just before 5pm on Tuesday 17.09.24. TB explained that he uses the hotel's meeting room for meetings relating to his councillor duties, on a daily basis. He told me that he had not been with Councillor Sinclair until they met as they were leaving The Feathers. TB said that Councillor Sinclair is a fellow councillor and acquaintance rather than a personal friend.
119. TB said that he and Councillor Sinclair proceeded to walk along New Street in Ledbury; TB told me he was on his way to see a constituent. As they drew up to **REDACTED**, TB

saw the complainant, DT, along with a female colleague; TB said they were outside the shop and appeared to be in the process of closing the shop for the day.

120. TB told me that, when Councillor Sinclair and he were in front of the shop, Councillor Sinclair said something about going to The Barn, which is a pub in Ledbury. TB said that DT immediately took offence and shouted at Councillor Sinclair, calling him names, including a 'big twat'. TB recalled that DT's colleague told him to calm down. Councillor Sinclair and TB walked on and turned off New Street.

121. TB said that he then heard what he thought were running footsteps and then DT came round the corner and continued to call Councillor Sinclair names, before leaving, TB assumed, to go back to the shop.

122. I asked TB what he had said and done during the incident. TB said that he was 'gobsmacked' by what happened and was embarrassed by the event. He told me that he took the view that it was best to say nothing, he therefore kept quiet as he did not want to get involved.

123. I asked TB whether he had felt threatened by the incident. TB said he hadn't but that, had he not known DT, he would have. However, TB explained that he had known DT as a resident for many years and had supported him in relation to the issues with The Barn.

124. I asked TB whether he knew, when he heard it, that Councillor Sinclair's comment about The Barn would upset DT. TB told me that he did know the history regarding DT and The Barn. TB said he supported DT when DT brought the matter to Ledbury Town Council. He recalled a meeting where he supported DT when there was a vote to enable DT to speak for longer than the usual 5 minutes allowed to public speakers.

125. TB said that he would therefore expect the comment to upset DT if it was directed at him, but he pointed out that he could not be sure whether the comment was directed at DT; he observed that Councillor Sinclair said something in DT's earshot and that DT 'went ballistic'. TB said that he did not recall Councillor Sinclair raising his voice but did recall that Councillor Sinclair was laughing at DT.

126. I asked TB what he made of the email he received from Councillor Sinclair on 19 September 2024 headed 'Winding People Up' TB did not recognise this description and did not think he had received this email. I checked and confirmed the email included TB as a recipient. TB confirmed it was his personal email address. However, TB said he receives hundreds of emails, and he simply hadn't seen this one, therefore had formed no view about it at all.

127. I asked TB whether he had seen DT since the incident and TB said he had, as is usual, when he sees DT in the town centre.

128. Councillor Sinclair told the police that DT had shouted at TB on 18 September 2024, the day after the incident. A supplemental question was asked of TB about this allegation, on 06 November 2024, and a note of this is at Appendix 12. TB expressed the opinion that he did not know who had said this and, whilst he had spoken to DT the following day, and DT was 'having a rant' about the incident, TB was not at all concerned and the conversation was not threatening.

Agreed Facts

129. After conducting the interviews as part of the formal investigation, it is evidentially undisputed that the conclusions in paragraphs 130 to 134 are undisputed by either the complainant or Councillor Sinclair.
130. An incident took place on Tuesday 17 September 2024, outside **REDACTED** shop in Ledbury, involving the complainant and the subject member. Councillor Sinclair is clear that he spoke in earshot of DT with the intention of winding up, or goading, DT.
131. The incident was reported to West Mercia Police by DT and JT on 17 September 2024, reference number CDS-143573-24-2200-002. No further action has been taken, nor is any anticipated.
132. Councillor Sinclair sent an email to 17 recipients on 19 September 2024, which was headed 'Winding People Up'. An email trail was attached, as a document headed 'Don't mention The Barn'.
133. The complainant's brother, JT, emailed Councillor Sinclair on 20 September 2024, telling him that he had reported the incident that happened on 17 September 2024 to West Mercia Police.
134. Councillor Sinclair reported the incident that happened on 17 September 2024 to West Mercia Police, on 20 September 2024.

Disputed Facts

135. The main matter of dispute raised by Councillor Sinclair is that he is of the view that all his conduct that is the subject of this complaint, took place in circumstances where he was not acting in his capacity as a councillor and that the Council thus has no jurisdiction to consider the complaint under the Code of Conduct.

Jurisdictional test and legal position:

136. Since Councillor Sinclair responded to the complaint and said that he was not acting in his capacity as a councillor at the time of the conduct complained of, as a preliminary issue I considered the law and relevant case law, to form a view about the jurisdictional test, as follows. Section 27 of the Localism Act 2011 provides that a local authority's code of conduct applies to members 'when they are acting in that capacity.' Thus, if a councillor's conduct took place when they were not acting in their capacity as a councillor, the Code of Conduct would have no application.
137. The courts considered the meaning of acting in the capacity of a councillor in the cases of *(R) Mullaney v The Adjudication Panel for England* [2009] EWHC 72 (Admin) and *Livingstone v APE* [2006] EWHC 2533 (Admin)

These cases were considered under the Local Government Act 2000 prior to its repeal by the Localism Act but the principles set out here remain relevant.

In the Mullaney case, Charles J acknowledged that the issue "*is inevitably fact sensitive and whether or not a person is so acting inevitably calls for informed judgment by reference to the facts of the given case.*"

Charles J stated: '*I acknowledge that there would be advantage in certainty as to where the line is to be drawn between these activities and thus as to when the Code applies and when it does not. But to do that the language of the Code would have to be explained and thus*

added to, paraphrased or qualified and it seems to me that given that it uses ordinary English words (and is based on ordinary English words used in the statute, namely “in performing his functions” see s. 52(2)) this would be inappropriate and would potentially lead to the error being made of applying guidance as to the application of a test as if it was itself such a test.’

In the Livingstone case, Collins J stated, “*official capacity will include anything done in dealing with staff, when representing the Council, in dealing with constituents’ problems and so on.*”

In that case, Mr Livingstone, the then Mayor of London had attended an official engagement in his capacity as Mayor. As he was leaving the function he was confronted by a journalist and Mr Livingstone likened the journalist to a concentration camp guard. The Court held that the comments were not made by Mr Livingstone in his capacity. Collins J stated: ‘*The Tribunal correctly decided that the appellant was not in his official capacity when he made the remarks in question...*’

An allegation of failure to comply with the Code must also be considered in the light of the Human Rights Act 1998. Article 10 of the Convention states:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of...public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others.

Article 10 rights, in relation to code of conduct allegations, was considered in the case of *Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504 (Admin)*, which recognised that enhanced protection is given to “political expression.”

138. I also had regard to guidance produced by The Local Government Association (LGA) to accompany the Model Councillor Code of Conduct: [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#).

139. This describes the legal requirement that the Code of Conduct applies to councillors when they are acting in their capacity as a councillor. Guidance at Part 1 ‘Application of the Model Councillors’ Code of Conduct’, says that:

‘The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- *you misuse your position as a councillor*
- *your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.’*

140. For something to fall within the code there must be a clear link to a local authority function or a councillor’s role as a councillor.

Findings as to whether there has been a failure to comply with the Code:

The incident on 17 September 2024:

141. The complainant alleged that Councillor Sinclair's conduct towards him, in an incident that took place on 17 September 2024, was disrespectful and harassing.
142. The incident outside the complainant's place of work on 17 September 2024 appears to have had no connection to Councillor Sinclair's role as a councillor. Evidence provided by the complainant, by witnesses, and by Councillor Sinclair, made no reference to Councillor Sinclair being a councillor, nor to the business of Ledbury Town Council.
143. The accounts provided to me in evidence demonstrated, in my view, deeply distasteful and opportunistic conduct on the part of Councillor Sinclair. I was in no doubt, on his own evidence, that Councillor Sinclair 'baited' the complainant and laughed at his response to what Councillor Sinclair described as a 'wind up'.
144. The incident caused a foreseeable reaction and distress on the part of the complainant, which I am in no doubt Councillor Sinclair intended, and appeared to enjoy. Despite my efforts to understand this conduct, in interviewing Councillor Sinclair, I remain at a loss to explain why anyone would deliberately 'bait' another person in this way.
145. Nevertheless, in relation to this incident on 17 September 2024, I concluded, after careful consideration of the law and guidance, that Councillor Sinclair was not acting in his capacity as a councillor. Councillor Sinclair was neither performing or transacting a duty or task on behalf of the Council, nor do I consider that a reasonable person would consider that he would be acting in a capacity as a councillor. It appears that Councillor Sinclair was acting in his private capacity in seeing and taking the opportunity to goad someone that he has perceived to have wronged him in the past. However unfortunate this may be, I concluded that the Council has no jurisdiction to consider this part of the complaint.

I DO NOT find this to be a BREACH of paragraphs 1.1 and 2.2 of the Code of Conduct: '1.1 I treat other councillors and members of the public with respect and 2.2 I do not harass any person.'

The email from Councillor Sinclair to seventeen recipients on 19 September 2024:

146. The complainant alleged that Councillor Sinclair's email dated 19 September 2024, to seventeen recipients, was in breach of the code of conduct since it disclosed confidential information, was disrespectful to him, and brought his role or local authority into disrepute.
147. On 19 September 2024, Councillor Sinclair emailed seventeen recipients from his personal email account, with an email headed 'Winding People Up'. The content of the email is undisputed and is as transcribed above. The email included a photograph and an attachment with the heading 'Don't mention the barn'. The attachment was an email trail dated 18 September 2024, being the complainant's brother, JT's, email to the Clerk to Ledbury Town Council, to complain about Councillor Sinclair's conduct on 17 September 2024.
148. The email on 19 September 2024 was sent from Councillor Sinclair's private email account. The recipients included a range of people, including members of the public and councillors.

149. In relation to this email, I considered that Councillor Sinclair was acting in his capacity as a councillor for the following reasons.
150. The email was sent to members of Herefordshire Council including the Leader; and a fellow Ledbury Town councillor is included in the list of recipients. Reference is made to being reported to the Monitoring Officer and the police, and to a complaint being made to Ledbury Town Council.
151. On balance, I considered that a reasonable member of the public with knowledge of all the facts would be given the impression that this concerned council business. If that was not the case, inclusion of councillor recipients was, in my view, difficult to explain.
152. I noted that the email was sent from Councillor Sinclair's personal email account, but I am of the view that this alone was not a determinative factor and created no automatic shield from scrutiny under the Code of Conduct.
153. When I spoke to Councillor Sinclair on 7 October 2024 (Appendix 7) he told me that the email was intended to wind up Herefordshire Conservatives. When I spoke in more detail with Councillor Sinclair on 6 November 2024 (Appendix 13), he appeared quite exasperated that I laboured the question of his motive for sending the email and told me in clear terms that he sent the email with reference to his previous concerns that he has raised with Ledbury Town Council (and documented in the formal minutes of the proceedings of the council) about the War Memorial. This concluded in a previous Code of Conduct complaint, COC045. Councillor Sinclair explained that this email was about the War Memorial, because of the former Mayor, Y, and **REDACTED**.
154. I was therefore in no doubt, from his own evidence, that Councillor Sinclair's email was linked to the business of Ledbury Town Council. I note that several recipients were not immediately cognisant of that context, but that Councillor Sinclair explained it to those who enquired.
155. In terms of the content of the email and its attachment, I find that these overtly and clearly would appear to a reasonable person to refer to the incident that happened between Councillor Sinclair and DT on 17 September 2024. I do not accept that the email was unrelated to the incident, and I considered Councillor Sinclair's evidence on this point to be incomprehensible. He appeared to attempt to reframe his purpose in sending the email, after the event. To suggest it had nothing to do with the incident on 17 September 2024 was at odds with the prima facie evidence and in my view was disingenuous.
156. The language used included pejorative terms to refer to DT, such as 'nutter' and 'idiot', and the description of the incident two days earlier was graphic, insulting and highly disrespectful to the complainant. Most concerning of all was the gleeful description of having been the author of another person's distress, by conduct that was deliberate and unprovoked. I did not accept Councillor Sinclair's purported justification that DT had shouted at him months earlier. In my view, that should have produced a note of caution, if not empathy, to his conduct in relation to DT. However, for Councillor Sinclair it appears to have acted as a catalyst for winding up DT. I consider that he speculated what the reaction would be and, quoting Councillor Sinclair, he got an intended 'spectacular bite on Tuesday'.
157. I could not be sure, from the evidence, the extent to which Councillor Sinclair knew the fragility of DT's mental health prior to the incident, and I am unable to make findings on this point. He was certainly not at the meetings of Ledbury Town Council in 2022, where DT

made statements that left no doubt about the impact events concerning The Barn had had on him, and Councillor Sinclair told me he had 'no idea' about this. However, he told me he is a friend of the owner of The Barn, and was appraised of the background some months ago, at the latest, by his friend.

158. I therefore believe Councillor Sinclair understood very well how his remarks would affect DT; indeed, he told me he set out to 'bait' DT and that 'the only people who are worth winding up are those who will rise to the bait'. I find Councillor Sinclair's conduct on this point to be highly disrespectful and to have no place in public life. Having 'baited' DT on 17 September 2024 and having witnessed the impact of his conduct on DT, his next action appears to be sending a boastful account of the incident. Thankfully some of the recipients have publicly distanced and repudiated the comments made by Councillor Sinclair in that email.
159. The email was copied to seventeen recipients, including councillors, and members of the public. It attached a trail of emails relating to a complaint about Councillor Sinclair's conduct. In my view, this was a flagrant disregard for the right of the complainant to lodge a complaint under the Code of Conduct, and a disclosure of what was obviously confidential information to a large pool of recipients.
160. The complainant was entitled to lodge a complaint and expect that it would be dealt with, no matter the merits, according to due process, and confidentially. In this respect, I find that Councillor Sinclair paid no attention at all to his duty of confidentiality under the Code of Conduct.
161. Considering the broad range of recipients to whom Councillor Sinclair displayed the conduct which I find to breach paragraphs 1.1, and 4.1 of the Code of Conduct, I am of the view that this was conduct that also breaches paragraph 5.1. Councillor Sinclair told me, though he said he could not be specific about numbers, that a number of the recipients of this email contacted him to try to understand what he meant by it. At no time did Councillor Sinclair reflect that his conduct in sending the email was in any way at fault.
162. I considered Councillor Sinclair's rights under Article 10, as referred to above. However, in the context of this email, so far as it concerns a member of the public raising a complaint about a councillor's conduct, I find that it provides no protection to Councillor Sinclair. The commentary is personal and abusive to a member of the public, disclosed without any inhibition to a wide range of people, and in terms of its relevance to the complainant, contains no political expression whatsoever.

I DO find this to be a BREACH of paragraphs 1.1, 4.1 and 5.1 of the Code of Conduct: 1.1 I treat other councillors and members of the public with respect; 4.1 I do not disclose information which I believe or ought responsibly to be aware of, is of a confidential nature; and 5.1 I do not bring my role or local authority into disrepute.

Councillor Sinclair's email to the police on 20 September 2024:

163. On 20 September 2024, the complainant's brother contacted Councillor Sinclair and told him that he had reported the incident to West Mercia Police. According to the time shown on emails which were provided to me, Councillor Sinclair reported the incident to the police himself, a few hours later.
164. In his email to the police, Councillor Sinclair refers to the date of the incident as 18 September 2024, not 17 September 2024, as stated by the complainant. However,

Councillor Sinclair's email to seventeen recipients on 19 September 2024, as well as the complainant's evidence, indicates that the incident did take place on 17 September 2024.

165. Councillor Sinclair provided me with a copy of this email trail, including his email to the police. This was sent from his Ledbury Town Council email address, although he says in the email that he was not acting in his capacity as a councillor at the time of the incident. He copied in the Clerk to Ledbury Town Council and two other councillors.
166. The police replied on 25 September 2024, responding to Councillor Sinclair's Ledbury Town Council email address but removing those who had been copied in. Councillor Sinclair forwarded the trail to the Monitoring Officer's team, again copying in the Clerk to Ledbury Town Council and two other councillors.
167. In relation to his email to his email to the police on 20 September 2024, I considered that Councillor Sinclair was acting in his capacity as a councillor.
168. The LGA guidance says:

'In what circumstances might I give the impression to a reasonable member of the public that I was engaged on local authority business?'

When you use or attempt to use your position as a councillor to seek to gain an advantage for yourself or someone close to you or to disadvantage someone this is an attempt to misuse your position and therefore falls within the scope of the Code of Conduct.

A number of factors will need to be taken into account to determine whether or not you had used or attempted to use your position as a councillor.'

An example is given: 'writing to someone on local authority headed paper or using a local authority email address may lead someone to assume you were writing in your capacity as a councillor.'

169. In this instance, Councillor Sinclair emailed the police from his Ledbury Town Council email address. His statement distancing himself from his role by saying that he was not acting in his role as a councillor was not, in my view, determinative. Councillor Sinclair told me that he simply emailed PC Davies from his email address book, which happened to be his council email address. I do not accept this as being a justification and find that, if Councillor Sinclair was mindful, in the moment of writing and sending the referral to the police, to make that point, I can think of no reason why he would use his councillor email address, other than to link his email to his role, in the mind of the recipient.
170. Further, Councillor Sinclair copied into this email the Clerk to Ledbury Town Council and two members. Notably, the police replied to Councillor Sinclair only, but in forwarding the trail to the Monitoring Officer's team, Councillor Sinclair again copied in the Clerk and two members, as recipients to his email.
171. Councillor Sinclair told me that he had PC Davies' specific email address because of the strong links between the police and Ledbury Town Council. It is my view, and I find, that Councillor Sinclair wanted to present his case to the police using his role as a councillor to his benefit. I noted, in contrast, that he used his personal email address in his email on 19 September 2024 to multiple recipients and I find that he was cognisant of the meaning and impact of the use of his personal or council email addresses. I considered that a reasonable

member of the public with knowledge of all the facts would be given the impression that this concerned council business.

172. So far as the content of the email that Councillor Sinclair sent to the police on 20 September 2024 is concerned, I noted that his description of the incident on 17 September 2024 did not include any reference to having deliberately wound up the complainant, to having 'goaded', 'baited', nor laughed at DT. In my view, this appeared to omit important information that would have been relevant to the police consideration of the incident. Councillor Sinclair told seventeen people 'Winding people up is fun, I got a spectacular bite on Tuesday...' but he did not include that information when he reported the matter to the police.

173. I spoke at some length to Councillor Sinclair, to try to understand his conduct on this point. Councillor Sinclair was clear in his view that the full circumstances of the incident, as he described it to the recipients of the email on 19 September, and indeed, to me, were of no relevance to the police.

174. I noted Councillor Sinclair's referral to the police included assertions about the level of threat experienced by him and Councillor Bradford; a reliance on a purported vulnerability of TB due to his age; and a suggestion that there had been a further incident the following day, between DT and TB. In interview with me, these assertions were proved to have no basis whatsoever, in fact Councillor Sinclair was very clear about his own and TB's ability to look after themselves, which accorded with my discussion with TB. When enquiries were made with TB about events on 18 September 2024, he expressed surprise and wondered who had said such a thing had happened.

175. I think that, had the police been appraised of the part Councillor Sinclair's provocation played in the incident on 17 September 2024, their response may have differed from the response he received. Councillor Sinclair was at pains to tell me he values honesty, but I find the construction of his reasoning to be disingenuous and that his referral to the police was a deliberate misrepresentation, designed to conceal the full circumstances from the police and to protect himself from any repercussions. I believe this accounts for the haste with which his referral was made, some hours after DT's brother told him a police referral had been made, and which lead him to include an error on the date the incident took place.

176. I was particularly concerned about this part of the complaint, since the referral could have resulted in further action being taken against DT by the police, without their accurate understanding of what had happened.

177. In summary, I find that Councillor Sinclair's conduct, in the manner of his making a referral to the police was not befitting of his role and represents a breach of the general principles under the Code of Conduct.

I DO find this to be a BREACH of paragraph 6.1 and the general principles of the Code of Conduct: 6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else; General principle: I act with integrity and honesty; and General principle: I lead by example and act in a way that secures public confidence in the role of councillor.

Comments on draft report

- 178.DT said that, in the incident on 17 September 2024, he did not 'scream', nor 'hurl abuse'; and that he disputed how it was suggested that 'running footsteps' could have been heard. I considered these points, but they do not affect my findings.
- 179.In his comments on the draft report, Councillor Sinclair suggested that JT should not have been interviewed as a witness, since he did not witness the incident on 17 September 2024, and that to have done so amounted to a predetermination. I consider this to be a misunderstanding of the investigator's role. Paragraph 93 makes clear the purpose of, and the limits to, my interview with JT. It is specifically noted that he was not a witness to the incident. However, it was JT's contact with the Clerk to Ledbury Town Council that was shared by Councillor Sinclair on 19 September 2024, and this was part of the complaint. I note Councillor Sinclair's comment, but it does not affect my findings.
- 180.Councillor Sinclair comments that, as paragraphs 141 to 145 find he is not in breach of the code of conduct, there should not have been an investigation. I highlight that this finding flows from the finding that Councillor Sinclair was not acting in his capacity as a councillor at the time of the incident on 17 September 2024, thus, no finding of breach is possible. In my view, it does not follow that there should have been no investigation, since the investigation also considered events after the incident.
- 181.Councillor Sinclair makes several comments on paragraphs 151 to 155, which reiterate his submission that his conduct had no connection to Ledbury Town Council. He referred to his derogatory comments about the former Mayor and highlighted the connection between his email on 19 September to 17 recipients, and the issues arising from code of conduct case COC045. Far from 'twisting words to suit a narrative', I took account of Councillor Sinclair's insistence that his email was sent 'intending to raise (Y's) part in COC0045 and that the email was about the War Memorial' (paragraphs 42-45 of note of interview with Councillor Sinclair Appendix 13).
- 182.Councillor Sinclair commented that his email to the police on 19 September 2024 should not have been considered, since it was not part of the complaint. In relation to this comment, I note that Councillor Sinclair provided a copy of his emails with the police as part of his response to the complaint, and he referred to the incident having been reported to the police, in his email on 19 September 2024 to 17 recipients. The email to the police on 19 September 2024 thus formed part of the remit provided to me for formal investigation by the Monitoring Officer.
- 183.Councillor Sinclair commented that it is supposition, in paragraph 175, that the police may have responded differently had they been appraised of the part Councillor Sinclair's provocation played in the incident on 17 September 2024. This was supposition and was based on my assessment of the issues. I note Councillor Sinclair's comment, but it does not affect my findings.
- 184.Councillor Sinclair comments that it is flawed logic, to link use of his private email account to acting as a councillor, yet 'accuse' him for use of his Ledbury Town Council address. I believe this conflates the two points. As I have indicated in the report, the use of a personal email account creates no automatic shield from scrutiny under the Code of Conduct and the use of a council email address does prima facie suggest that a member is acting in their capacity as a councillor.

Conclusion

185. I conclude that Councillor Sinclair **DID** breach Ledbury Town Council's Code of Conduct as follows:

1.1 I treat other councillors and members of the public with respect.

4.1 I do not disclose information which I believe or ought responsibly to be aware of, is of a confidential nature.

5.1 I do not bring my role or local authority into disrepute.

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

General principle: I act with integrity and honesty under the Code of Conduct.

General principle: I lead by example and act in a way that secures public confidence in the role of councillor.

186. It is less than 12 months since Councillor Sinclair was found to be in breach of the Code of Conduct of Ledbury Town Council in case reference COC045, which is in the public domain. He was annoyed to find himself the subject of this investigation and displayed no regret at all for his conduct. He told me he will not apologise if he were asked to do so.

187. In the circumstances, I will present my report to the Monitoring Officer for her consideration and decision, in accordance with the range of decisions available to her following a formal investigation.

Deborah Nickson
Senior Governance Lawyer
10 December 2024



COC090

Investigation report Appendix 1

REDACTED

Chronology of incident and emails

17.09.24	Incident outside complainant's place of work at approximately 5pm. DT and EJ present.
18.09.24	The complainant's brother emailed LTC Clerk to complain about Cllr Sinclair's conduct on 17.09.24. This email trail was attached to the email below on 19.09.24, with the heading 'Don't mention the barn'
19.09.24	Email from Cllr Sinclair at 23:46 to 17 recipients from his personal email account, headed 'Winding People Up' and included a photograph and an attachment which was headed 'Don't mention the barn' and was the complainant's brother's complaint to LTC about the incident (see above). The email was sent from Cllr Sinclair's personal email account.
20.09.24	Complainant's brother emailed Cllr Sinclair at 08:50 saying he had reported the incident to the police.
20.09.24	Cllr Sinclair emailed the police at 12:56 to report the incident, which he says took place at 5pm on Wednesday 18.09.24. Email was from Cllr Sinclair's LTC email account and Clerk and two councillors copied in. NB. Since other evidence and Cllr Sinclair's email to 17 recipients on 19.09.24 refers to the incident having taken place on 17.09.24, reference to 18.09.24 is assumed to be an error.
25.09.24	Response from police to Cllr Sinclair's LTC email address, removing those copied in.
26.09.24	Email from Cllr Sinclair to Monitoring Officer team, copying in LTC clerk and two councillors, from his LTC email address.

COC090
Investigation report Appendix 2
REDACTED

Complaint about a councillor's conduct received 25.09.24

Dear Sir or Madam

Relevant background: After five years of noise disturbances and continual breach of licence conditions from the venue in Ledbury known as The Barn, I was forced to move house in April of this year. I was not supported adequately by Ledbury Town Council and Herefordshire Council. (Please see records involving the then Deputy Town Mayor **REDACTED** as an example, who resigned from his post following an investigation of his behaviour during a council meeting that I spoke at to raise my concerns on 28.9.24. This period of five years also involved intimidation, physical and verbal abuse from the owner of the venue **REDACTED**. He would also point me out to his customers as 'the' complainant. He continues to point me out to members of the public. The whole situation is well documented and has had a detrimental impact on my home life and both physical and mental well-being of which I have had to seek help from my GP. The situation has also caused my family a great deal of stress.

Incident: On 17th September 2024 shortly before 5pm, I was standing outside my work place (**REDACTED**, Ledbury) with my work colleague **REDACTED**. Councillor Sinclair and Councillor Bradford were walking by together and stopped directly in front of me. Councillor Sinclair is well aware of the background (as above). He looked directly at me and I noted his mocking tone when he said to Councillor Bradford the very words 'Let's go to The Barn for a drink tonight'. Understandably I found this very upsetting indeed and lost my composure. I also observed him laughing at me. They then both walked further down the road. Since this incident Councillor Sinclair has stated that I used threatening behaviour and that I ran after him which is not true. What actually happened was that I ran down the road to catch them up to merely inform Councillor Sinclair that he would regret what he had said because I intended to report the incident to the Ledbury Town Council and the Police the following morning. I found his words and behaviour completely disrespectful, antagonising and not the behaviour that I would expect from somebody in his position. I am aware that councillors have a code of conduct to adhere to.

Since the incident I was made aware of the following email below that was sent from Councillor Sinclair's private email address to seventeen other people, including **REDACTED**, the owner of The Barn (first recipient). Also included is Leader of Herefordshire Council Jonathan Lester (sent to his private email address). It was also sent to **REDACTED** the NHCA chairman (sent to his private email address). I was shocked to see this. Also attached to the email is a PDF entitled 'Don't Mention The Barn' which is a copy of my brother's initial complaint to Ledbury Town Council. It features his personal contact details and these were shared with the seventeen recipients.

Councillor Sinclair's email is as follows.

Subject: 'Winding People Up'

'Winding people up is fun, I got a spectacular bite on Tuesday. Please read the attached; for mentioning The Barn, I am being reported to the police and monitoring officer. This nutter ran down the road after Tony and myself, he was very 'threatening' and got very upset because I laughed at him. The idiot went visited the LTC office, to complain, to be told they can do nothing. His brother reported me to the Chief Exec of Herefordshire Council and the police, how scary. Even better, he reported me to Bill Wiggin MP, he must have been getting advice from REDACTED the NHCA chairman, who loves a good liar.'

I was astounded to read the above email which clearly shows that following my brother's initial complaint, Councillor Sinclair is not taking the matter seriously. Just as concerning is his use of language, referring to me as a 'nutter', an 'idiot' and a 'liar'.

The incident has been reported to West Mercia Police. Reference number CDS-143573-24-2200-002.

I would be very grateful if you could please investigate this matter.

As you can imagine I have been fully supported over the past five years by my friends and my family. I have included recent emails from my brother to Ledbury Town Council and Jonathan Lester. (Please note, my brother documented the date of the incident incorrectly)

Yours faithfully

David Thomas

I am trying to move on with my life and put the last five years behind me. I have found the recent incident involving Councillor Sinclair goading behaviour extremely upsetting, disrespectful and intimidating.

I believe Councillor Sinclair has not adhered to his professional code of conduct because he has not treated me, a member of the public, with respect. I view his behaviour as harassment. He has also disclosed confidential information to others and brought Ledbury Town Council and other colleagues into disrepute.

From: [Code-of-Conduct](#)
To: [Code-of-Conduct](#)
Subject: COC090 Email 19.09.24 re "Winding People Up"
Date: 01 October 2024 11:39:28
Attachments: [Don't Mention The Barn.pdf](#)

----- Forwarded message -----

From: Ewen Sinclair

To:

Cc:

Sent: Thursday 19 September 2024 at 23:46:37 BST

Subject: Winding People Up

Winding people up is fun, I got a spectacular bite on Tuesday. Please read the attached; for mentioning the Barn, I'm being reported to the police and Monitoring Officer. This nutter ran down the road after Tony and myself, he was very "threatening" and got very upset because I laughed at him. The idiot went visited the LTC Office, to complain, to be told they can do nothing. His brother reported me to the Chief Exec of Herefordshire Council and the police, how scary. Even better, he reported me to BillWigginMP, he must have been getting advice from [REDACTED], the NHCA Chairman, who loves a good liar. The imbecile, with the Union Flag, the wrong way up!

Inline image



Re: Complaint- ref Councillor Sinclair

From [REDACTED]

Date Thu 19/09/2024 13:05

To LTC Clerk <clerk@ledburytowncouncil.gov.uk>

Cc Stephen Chowns <schowns@ledburytowncouncil.gov.uk>; Elizabeth Harvey <eharvey@ledburytowncouncil.gov.uk>; Ewen Sinclair <esinclair@ledburytowncouncil.gov.uk>

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Angela

Thank you for this information and for your speedy response.

Thank you for the link. I will be encouraging and supporting my brother to follow the complaints procedure.

I am so cross that yet again, another member of Ledbury Town Council has behaved unprofessionally against my brother and knowing full well of the history.

Absolutely uncalled for and not the first time Councillor Sinclair has behaved in a manner of what I would deem to be a breach of the code of conduct.

Thank you for the information.

Regards

Jonathan Thomas

On Thursday 19 September 2024 at 09:42:46 BST, LTC Clerk <clerk@ledburytowncouncil.gov.uk> wrote:

Dear Mr Thomas

Thank you for your email, which I have forwarded to the Mayor and Deputy Mayor for information and who I am including in this response.

I am attaching a copy of our Local Resolution Policy, which advises on what action Ledbury Town Council can take, if any, in respect of complaints from members of the public in relation to Council Members. As you will see from the text below which has been taken from the Local Resolution Policy complaints such as this should be directed to the Monitoring Officer at Herefordshire Council, which can be done at the following link. <https://www.herefordshire.gov.uk/council/get-involved/7>

Complaints which will not be considered under this policy, but will be directed to the Monitoring Officer at Hereford Council:-

- Complaint instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct, failure to disclose interests, bullying, abuse of position of trust or repeated breaches
- Complaints made by the Clerk
- Vexatious, malicious, or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's internal policies
- Repetitive low-level complaints

Currently there is no common process for Parish Councils to follow in dealing with minor complaints against Members other than referring the complaints to the Monitoring Officer at Hereford Council.

I note from your email that your brother, David Thomas, will be calling into the council office today; I will provide him with a copy of the Local Resolution Policy and the link to Herefordshire Council's page on their website as per this email, where he can submit his complaint to the Monitoring Officer.

I hope that the above provides with sufficient information to take the complaint forward, should you or your brother wish to do so.

Regards

Angela Price PSLCC, MICCM, MIWFM

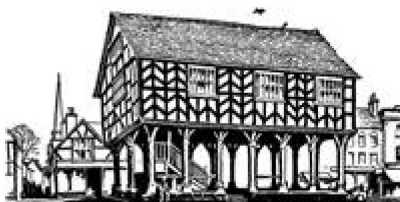
CiLCA (England & Wales)

Town Clerk

Ledbury Town Council

Tel: 01531 632306

Mobile: 07734966926





"This email is from Ledbury Town Council, registered office: Town Council Offices, Church Street, Ledbury, Herefordshire. HR8 1DH. Information in this email is confidential and is solely intended for the addressee. Access, copying or re-use of information in it by anyone else is unauthorised. Any views or opinions presented are solely those of the author and do not necessarily represent those of Ledbury Town Council or any of its affiliates."

Ledbury Town Council is committed to ensuring the security and protection of the personal information that we process, and to provide a compliant and consistent approach to data protection. If you have any questions related to our GDPR compliance, please contact the Town Clerk or make a [Data Subject Access Request](#).

From: LTC Administration <admin@ledburytowncouncil.gov.uk>
Sent: 19 September 2024 09:14
To: LTC Clerk <clerk@ledburytowncouncil.gov.uk>
Subject: Fw: Complaint- ref Councillor Sinclair
Importance: High

Please see the email I have been sent below, for your attention.

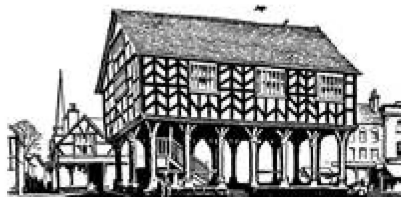
Many thanks,



Administrator
Ledbury Town Council

Tel: 01531 632306

admin@ledburytowncouncil.gov.uk





"This email is from Ledbury Town Council, registered office: Town Council Offices, Church Street, Ledbury, Herefordshire. HR8 1DH. Information in this email is confidential and is solely intended for the addressee. Access, copying or re-use of information in it by anyone else is unauthorised. Any views or opinions presented are solely those of the author and do not necessarily represent those of Ledbury Town Council or any of its affiliates."

From: [REDACTED]
Sent: Wednesday, September 18, 2024 19:55
To: LTC Administration <admin@ledburytowncouncil.gov.uk>
Cc: Chief Executive <chiefexecutive@herefordshire.gov.uk>; Paul Walker <paul.walker@herefordshire.gov.uk>; Bill Wiggin MP <officeofbillwigginmp@parliament.uk>
Subject: Complaint- ref Councillor Sinclair

To Ledbury Town Council

As you may recall Ledbury Town Council did not support my brother's (David Thomas) fight to protect his home life and mental health against the ongoing nonsense that came from The Barn in Ledbury.

As is well documented this involved breaching of licence conditions, noise disturbance, intimidation and harassment and all without planning permission granted.

This all happened over a period of five years or so, eventually leading to my brother having to move this summer, for his own sanity.

Putting it simply, he was pushed out of his home of 20 years or so. Unsupported.

As a family we have supported him to move elsewhere.

The owner of The Barn continues to point my brother out to others when in public and is often seen sniggering and smiling sarcastically at my brother when passing. No doubt for him in celebration, as my brother has moved. This is something that my brother has to try to ignore.

Today, Councillor Bradford and Councillor Sinclair were outside my brother's work place [REDACTED] [REDACTED] They walked passed. Councillor Sinclair is a supporter of The Barn and is no doubt fully aware of the history with regards to The Barn's operation and the detrimental impact it has had on my brother over the years.

As they were walking Councillor Sindair looked at my brother who was outside of the shop and whilst smiling, turned to Councillor Bradford and said 'Oh let's go to The Barn for a drink tonight'. Again, in the presence of my brother.

Not only is this behaviour antagonistic, but it is pathetic, childish, irresponsible, not to mention unkind and not the sort of behaviour one would expect from a man in his position.

I am encouraging my brother to visit Ledbury Town Council tomorrow in person to report this incident and to seek advice on how he may respond.

If a member of the Council or if Councillor Sinclair wishes to discuss this matter further with me then please don't hesitate to contact me.

Jonathan Thomas

[REDACTED]

[REDACTED]

Fw: [EXTERNAL] Fw: Ref: Inappropriate behaviour. 18.9.24

From Ewen Sinclair <esinclair@ledburytowncouncil.gov.uk>
Date Thu 26/09/2024 12:19
To Jack Davies <[REDACTED]>
Cc Code-of-Conduct <Code-of-Conduct@herefordshire.gov.uk>

Dear PC Davies

Many thanks for your advice. As I understand a Code of Conduct Complaint has been made against me by the brother of David Thomas. It is amazing how someone who was not present can report on what happened. Deborah Nickson is the Senior Governance Lawyer for Herefordshire Council. On copy of this email is the generic Code of Conduct Email.

If there are further attacks, I will certainly be reporting them.

Best wishes

Ewen

From: Ewen Sinclair <esinclair@ledburytowncouncil.gov.uk>
Sent: 26 September 2024 08:54
To: deborah.nickson@herefordshire.gov.uk <deborah.nickson@herefordshire.gov.uk>
Cc: LTC Clerk <clerk@ledburytowncouncil.gov.uk>; Stephen Chowns <schowns@ledburytowncouncil.gov.uk>; Tony Bradford <tbradford@ledburytowncouncil.gov.uk>
Subject: Fw: [EXTERNAL] Fw: Ref: Inappropriate behaviour. 18.9.24

Morning Deborah

An email has been sent to my Private Email, that a Code of Conduct has been made against me. I have reported the incident to West Mercia Police and they have responded, see below. Let me make quite clear, this is nothing to do with Ledbury Town Council.

Best wishes

Ewen

From: Jack Davies <[REDACTED]>
Sent: 25 September 2024 09:36
To: Ewen Sinclair <esinclair@ledburytowncouncil.gov.uk>
Subject: RE: [EXTERNAL] Fw: Ref: Inappropriate behaviour. 18.9.24

Good Morning Mr Sinclair,

Thank you for your email. Sorry for the delay in response I am catching up with my workload.

From reading it, you have been subject to a public order offence, whereby you and Mr Bradford are victims.

On the evening of this incident, this should have been reported by 101 or 999 straight away so that officers could have been deployed straight away.

I can go and see Mr Thomas and speak to him about his behaviour. I suggest you block all contact with him and his brother. If they continue to try make contact with you and send you insults, then report this via 101 or the online reporting system and a malicious communications / harassment case can be opened.

Regards

Jack

PC 21946 Jack Davies

Safer Neighbourhood Officer, Wildlife Crime Officer.

Ledbury Safer Neighbourhood Team

Mobile – [REDACTED]

Email – [REDACTED]

South Wye Police Station, Goodrich Grove, Hereford, HR2 7DB



From: Ewen Sinclair <esinclair@ledburytowncouncil.gov.uk>

Sent: Friday, September 20, 2024 12:56 PM

To: Jack Davies - [REDACTED]

Cc: LTC Clerk <clerk@ledburytowncouncil.gov.uk>; Stephen Chowns <schowns@ledburytowncouncil.gov.uk>; Tony Bradford <tbradford@ledburytowncouncil.gov.uk>

Subject: [EXTERNAL] Fw: Ref: Inappropriate behaviour. 18.9.24

CAUTION: This email originated from outside of the Force. Do not click links or open attachments unless you are sure the content is safe.

Dear PC Davies

The email below is quite staggering, as I will explain. On Wed 18 Sep 24, around 5pm, I was walking down New Street with Tony Bradford. We had been in The Feathers Hotel and were on our way to Harling Court to look at a van. Neither of us were acting in our capacity as councillors.

As is pointed out in the attachment, I did say let's go to the Barn for a drink tonight. What followed was a quite unbelievable outburst. David Thomas shouted you twat, then shouted you're a moron. He repeated these expletives multiple times, at high volume. Both Tony and myself just kept walking, neither of us responded to the tirade of insults.

We walked round the corner from New Street into Harling Court. All of a sudden David Thomas was behind us in a most threatening manner. Once again, he was screaming insults, both Tony and myself thought he was going to attack us. We both just stood and looked at him, after a couple of minutes he went away. Tony is 75 and was quite shaken up by the incident.

The following day, I'm not sure of the time Tony was walking up New Street, David Thomas came out of the [REDACTED] and started shouting at him. I am not sure what was said because I was not there.

I have no idea why this is being reported to West Mercia Police. Further to this, there are many assumptions about what I know and how I think. There is also reference to an incident that happened in a Town Council Meeting, I was not present. The brother of David Thomas is now harassing me, by accusing me of various things that are not true. Is there anything you can do as the Safer Neighbourhood Officer for Ledbury, to prevent this escalating?

Yours sincerely

Ewen Sinclair

From: [REDACTED]
Sent: 20 September 2024 08:50
To: Ewen Sinclair <esinclair@ledburytowncouncil.gov.uk>; LTC Administration <admin@ledburytowncouncil.gov.uk>; Chief Executive <chiefexecutive@herefordshire.gov.uk>; Paul Walker <paul.walker@herefordshire.gov.uk>; Stephen Chowns <schowns@ledburytowncouncil.gov.uk>
Subject: Ref: Inappropriate behaviour. 18.9.24

You don't often get email from [REDACTED] [Learn why this is important](#)

To Councillor Sinclair

Further to my email on Wednesday 18th September, I wish to inform you that I have reported the incident to West Mercia Police, on the grounds of potential bullying, intimidation and harassment. They have advised that my brother is to report all incidents should they occur again in the future.

I am aware that the owner of The Barn continues to infrequently antagonise my brother and again, these incidents also are / will be reported.

Without a doubt you are aware of the history with regards to The Barn and how they have operated over the past five years, without planning permission in place which made the whole sorry situation more of a farce. The Barn had their licence revoked (sadly not for long) for a reason – or should I say reasons. Evidence was presented and action taken.

Further to the disturbances my brother also had to deal with intimidating behaviour and verbal abuse from the owner of The Barn and his cronies as he was pointed out as 'the' complainant as he simply walked to or from his front door, passing The Barn.

Without a doubt you are also aware of the stress that was put upon my brother during this time, affecting his mental health and physical health and leading him to seek GP input.

This stress spilled out into my family as we did our best to support him to try and cope with the nonsense that was coming from The Barn and to try to cope with not being fairly supported by parties involved.

The only helpful thing Ledbury Town Council did for my brother was to allow my him to speak for more than the allocated time given for members of the public at council meetings, when he presented his case.

This had to be voted on and even led to a councillor becoming agitated and losing composure before storming out of the meeting because he didn't agree. This occurred after he had attempted to shout my brother down as he

simply tried to inform the council what was going on right outside his window. I forget the councillors name, gladly. He later resigned from post following a complaint.

My brother is trying to put the last awful five years or so behind him and move on with his life. We all are as a family.

Eventually my brother had no other choice but to move from his home of 20 years or so.

As a son and as a community dementia nurse I also strongly believe that the stress caused to him and my family has further progressed my Mother's dementia. I can not begin to tell you how it all affected my brother and us as a family and how it has marred our experience of living in Ledbury, since 1976.

So, with the above said, I am sure you can imagine how angry I feel to hear about your goading comment, said for the benefit of my brother. This simply reveals you to be unprofessional, childish and actually not a very nice man. I am not surprised to hear it caused my brother to lose his composure, which I expect is exactly what you wanted to happen.

As mentioned earlier my brother will be following the procedure to complain as per the information sent by Town Clerk, Angela Price and I will be supporting him to do this next week.

In the meantime, I would grateful if you could stay away from my brother and keep the spiteful comments to yourself.

Jonathan Thomas



COC090

Investigation report Appendix 6

REDACTED

Witness evidence Jonathan Thomas

SUPPORTING INFORMATION – Ref complaint against Councillor Sinclair.

18.9.24

To Ledbury Town Council

As you may recall Ledbury Town Council did not support my brother's (David Thomas) fight to protect his home life and mental health against the ongoing nonsense that came from The Barn in Ledbury.

As is well documented this involved breaching of licence conditions, noise disturbance, intimidation and harassment and all without planning permission granted.

This all happened over a period of five years or so, eventually leading to my brother having to move this summer, for his own sanity.

Putting it simply, he was pushed out of his home of 20 years or so. Unsupported.

As a family we have supported him to move elsewhere.

The owner of The Barn continues to point my brother out to others when in public and is often seen sniggering and smiling sarcastically at my brother when passing. No doubt for him in celebration, as my brother has moved. This is something that my brother has to try to ignore.

Today, Councillor Bradford and Councillor Sinclair were outside my brother's work place (**REDACTED**). They walked passed. Councillor Sinclair is a supporter of The Barn and is no doubt fully aware of the history with regards to The Barn's operation and the detrimental impact it has had on my brother over the years.

As they were walking Councillor Sinclair looked at my brother who was outside of the shop and whilst smiling, turned to Councillor Bradford and said 'Oh let's go to The Barn for a drink tonight'. Again, in the presence of my brother.

Not only is this behaviour antagonistic, but it is pathetic, childish. irresponsible, not to mention unkind and not the sort of behaviour one would expect from a man in his position.

I am encouraging my brother to visit Ledbury Town Council tomorrow in person to report this incident and to seek advice on how he may respond.

If a member of the Council or if Councillor Sinclair wishes to discuss this matter further with me then please don't hesitate to contact me.

Jonathan Thomas

REDACTED

20.9.24

To Ledbury Town Council

Further to my emails with regards to Councillor Sinclair's behaviour on Wednesday 18th September:

Prior to the forthcoming official complaint against Councillor Sinclair, please see attached email from Councillor Sinclair.

This has been shared with West Mercia Police to support incident reference CDS 140560 24220 002.

All for your consideration!!

Jonathan Thomas

20.9.24
To Councillor Sinclair

Further to my email on Wednesday 18th September, I wish to inform you that I have reported the incident to West Mercia Police, on the grounds of potential bullying, intimidation and harassment. They have advised that my brother is to report all incidents should they occur again in the future. I am aware that the owner of The Barn continues to infrequently antagonise my brother and again, these incidents also are / will be reported.

Without a doubt you are aware of the history with regards to The Barn and how they have operated over the past five years, without planning permission in place which made the whole sorry situation more of a farce. The Barn had their licence revoked (sadly not for long) for a reason – or should I say reasons. Evidence was presented and action taken.

Further to the disturbances my brother also had to deal with intimidating behaviour and verbal abuse from the owner of The Barn and his cronies as he was pointed out as 'the' complainant as he simply walked to or from his front door, passing The Barn.

Without a doubt you are also aware of the stress that was put upon my brother during this time, affecting his mental health and physical health and leading him to seek GP input.

This stress spilled out into my family as we did our best to support him to try and cope with the nonsense that was coming from The Barn and to try to cope with not being fairly supported by parties involved.

The only helpful thing Ledbury Town Council did for my brother was to allow him to speak for more than the allocated time given for members of the public at council meetings, when he presented his case.

This had to be voted on and even led to a councillor becoming agitated and losing composure before storming out of the meeting because he didn't agree. This occurred after he had attempted to shout my brother down as he simply tried to inform the council what was going on right outside his window. I forget the councillor's name, gladly. He later resigned from post following a complaint.

My brother is trying to put the last awful five years or so behind him and move on with his life. We all are as a family.

Eventually my brother had no other choice but to move from his home of 20 years or so.

As a son and as a community dementia nurse I also strongly believe that the stress caused to him and my family has further progressed my Mother's dementia. I can not begin to tell you how it all affected my brother and us as a family and how it has marred our experience of living in Ledbury, since 1976.

So, with the above said, I am sure you can imagine how angry I feel to hear about your goading comment, said for the benefit of my brother. This simply reveals you to be unprofessional, childish and actually not a very nice man.

I am not surprised to hear it caused my brother to lose his composure, which I expect is exactly what you wanted to happen.

As mentioned earlier my brother will be following the procedure to complain as per the information sent by Town Clerk, Angela Price and I will be supporting him to do this next week.

In the meantime, I would be grateful if you could stay away from my brother and keep the spiteful comments to yourself.

Jonathan Thomas

22.9.24

To Mr Lester

I would like to know why you as Leader of Herefordshire Council are being copied in on an email from Councillor Sinclair that boasts of behaviour that goes against professional conduct?

Is deliberately 'winding up' and causing distress to a member of the general public common practice within the council?

Herefordshire Council did not support my brother with his complaints about the disturbances from The Barn over the past five years or so, as you may recall.

This recent incident involving goading and antagonistic behaviour from a member of the council, who has to abide by a code of conduct requires you to investigate this matter fully.

Please call me to discuss the matter. My telephone number is **REDACTED**.

If you do not, I expect a call from your compliance officer.

My brother, myself and family are trying to move on from the challenging five years that as you may recall have involved numerous unacceptable disturbances from The Barn - as well as a lack of support from the council and also intimidating behaviour from the owner of The Barn.

Why is the intimidating behaviour continuing - but this time from a member of your council?

Councillor Sinclair is aware of the history which makes his behaviour even more shameful.

Also, why was the email from Councillor Sinclair sent to **REDACTED** the owner of The Barn? This has led us to believe that there may have been some form of corruption within the council and The Barn over the past five years. We have suspected this for some time.

It is an outrage and as a family we are not letting this latest complaint be brushed under the carpet like the previous complaints.

We are about to file an official complaint as advised by the town clerk at Ledbury Town Council.

Awaiting to hear from you.

Jonathan Thomas

23.9.24

Dear Mr Thomas,

Thank you for your email dated 22 September 2024.

I do not know exactly why Mr Sinclair copied me in to the email. I contacted him yesterday and requested that he does not do so in future.

I do not condone any behaviour that is disrespectful to anyone. I find the tone of the email from Mr Sinclair totally unacceptable.

If you wish to make a complaint about Mr Sinclair's email please refer the matter to the Council's monitoring officer.

I am sorry that you have been aggrieved by this matter.

Yours sincerely,

Councillor Jonathan Lester

Leader of the Council



COC090

Investigation report Appendix 7

REDACTED

Subject member response to the complaint

Imported from email correspondence

03.10.24 Complaint sent to Councillor Sinclair for response

03.10.24 Email from Councillor Sinclair to Code of Conduct team:

Afternoon **REDACTED**

I have already written to the Generic CoC Email and to Deborah Nickson on this matter, see attached. This is nothing to do with being a Town Councillor. David Thomas has also threatened another Member of Ledbury Town Council, in addition to Tony Bradford. In this instance I could have had him charged with a Public Order Offence.

Given that you are aware of events, it is disappointing to receive CoC090.

Regards

Ewen

07.10.24 Email from Deborah Nickson to Councillor Sinclair:

Dear Councillor Sinclair

Thank you for your email and attached document which, as you say, I had received from you on 26.09.24.

I am sure you will understand that the Monitoring Officer must consider all complaints received, according to the prescribed process.

I do note that your email communications with the police do not address the part of the Code of Conduct complaint that refers to your email headed 'Winding People Up', and I wanted to check with you that you intended the email you have sent to me to stand as your full response to the complaint, so that the Monitoring Officer can proceed to consider the matter at initial assessment stage.

I would be most grateful if you would confirm this point.

Kind regards

Deborah Nickson

Senior Governance Lawyer

Herefordshire Council, Legal Services, Plough Lane, Hereford, HR4 0LE

01432 260828

Code-of-Conduct@herefordshire.gov.uk

Herefordshire.gov.uk

Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council. This e-mail and any files transmitted with it are confidential and intended solely for the use of the addressee. This communication may contain

material protected by law from being passed on. If you are not the intended recipient and have received this e-mail in error, you are advised that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please contact the sender immediately and destroy all copies of it.

07.10.24 Note of Teams call between Deborah Nickson and Councillor Sinclair:

DN received Teams call from Cllr Ewen Sinclair (ES), in response to my email to him this morning.

ES said he did not understand what I was asking for. I explained I am not asking for anything but had noted a gap in the response he has made, as he hadn't mentioned the email headed 'Winding People Up' and was just inviting him to consider addressing this part of the complaint.

ES was agitated about the case (he said that he is 'very angry', though stressed not with DN, or the MO). He said he 'absolutely deliberately' wound the complainant up. He said repeatedly 'I did it to wind him up', with reference to the incident in the street on 17.09.24, and said he was telling me this as he does not lie.

He said he did this because the complainant has previously 'screamed abuse' in the street and has attacked **REDACTED** and the police have been called previously. He said the complainant has previously attacked him, as well as Tony Bradford in the street and that, he (ES) 'baited' the complainant but that it was nothing to do with his role as a councillor and nothing to do with LTC.

ES said the email later was from his personal account and was intended to wind up Herefordshire Conservatives. He referred to 'that imbecile' **REDACTED** and said he sent the email because it was true.

He said he will not apologise and that if it goes forward, he will be very angry because he thinks there are double standards. He referred to an occasion when he says **REDACTED** referred to him as a 'flag shagger' online but nothing was done.

ES asked again what I wanted him to do. I said again, I had perceived a gap in what he had submitted and had therefore invited him to submit a response on that point that would assist the MO to have the full picture. I suggested that what he has said to me in this call, is effectively the context that he may wish to submit, so that the MO has his response to this part of the complaint.

ES said that he will do this and thanked me for contacting him.

07.10.24 Email from Councillor Sinclair to Code of Conduct team:

Dear Deborah

Further to our earlier telecon, you sent an email to my LTC Email, this has nothing to do with LTC. The email below with the Union Flag the wrong way up is intended to wind up the Chairman of North Herefordshire Conservative Association. He was fed a pack of lies about me by **REDACTED** and believed them without question. As I stated, he loves a good liar!

Best wishes

Ewen

07.10.24 Email from Councillor Sinclair to Code of Conduct team:

Dear Deborah

Further to our earlier telecon, I mentioned that decisions made by Herefordshire Council re. Code of Conduct Complaints are selectively applied and could be interpreted as Double Standards. As discussed two Decision Notices are attached. They are re. **REDACTED**, both clearly state she can act with impunity, if not acting in an official capacity, see extract below:

When considering any complaints which are made under the Code of Conduct, the requirement is that the Subject Member has to be acting in their official capacity for their actions to be caught under the Code of Conduct.

If the member who is the subject of the complaint was acting, or could be considered to have been acting, in their private capacity at the time of the alleged conduct, then the Code of Conduct does not apply to their actions.

Given what is written above and I was not acting in my capacity as councillor, there is no case to answer.

Thanks and regards

Ewen

COC090**Note of Interview with witness ('X') on 22 October 2024**

1. The interview was conducted by Deborah Nickson ('DN'), Senior Governance Lawyer, Herefordshire Council, by telephone call on 22.10.24.
2. DN explained that the interview was part of a process concerning a complaint about Councillor Ewen Sinclair. DN explained that she had been asked by the Monitoring Officer of Herefordshire Council to investigate the complaint.
3. DN explained the process and said that this it is confidential but if the matter proceeds to a hearing before Standards Panel, X's evidence may be required.
4. DN said that she would like to ask X about an incident that happened on 17 September 2024, and whether X is aware of any relevant context to the incident.
5. X explained that she works at REDACTED shop in Ledbury. Her colleague is David Thomas ('DT') whom X is aware is the complainant in this case.
6. DN asked X to describe her observations of the incident on 17 September 2024. X said that on that date, she and DT were working at the shop. Just before the shop was due to close at 5pm, DT and X were preparing to close for the day, which involved going in and out of the shop premises.
7. Whilst they were outside, X observed two men, neither of whom she knew, walking past the shop. X said that, as they came up to the shop, one man said 'Oh, let's go to The Barn tonight'. This was said in a loud voice, which X believed was raised with the intention of being heard, and she had the impression the man who spoke knew David.
8. DN asked X whether it was possible that the comment had just happened to be said as the men were passing the shop. X was sure this was not the case because she believed the volume that was used was deliberately raised, which she thought was an opportunistic attempt to provoke DT.
9. DN asked X why she thought the comment would provoke DT. X said that she is aware, although not in detail, of past events that would mean that DT would be upset by the comment made in relation to The Barn.
10. X said that she continued with the tasks of closing the shop and she went inside. She saw that DT went to speak to the man who had spoken to him, but she did not hear or see anything further.
11. X said that DT came back into the shop quite quickly, and she observed that he seemed upset and cross about what had happened. X said that they did not discuss the matter, but she could see that DT was upset.
12. X said that she thought at the time that the comment was made opportunistically, and that it was childish behaviour. The comment appeared to X to be an unnecessary attempt to provoke DT. X said that she felt that the man who spoke to DT should be ashamed of his behaviour, especially as she now understands that he is a councillor.
13. DN thanked X for speaking to her and will send a note of the meeting for agreement.

I agree that this is a true and accurate record of the interview.

Signed:
REDACTED

Dated: 22 October 2024



COC090

Investigation report Appendix 9

REDACTED

Code of Conduct complaint against Councillor Ewen Sinclair COC090

Note of Interview with Complainant David Thomas ('DT') on 23 October 2024

1. The interview was conducted by Deborah Nickson ('DN'), Senior Governance Lawyer, Herefordshire Council, by telephone call on 23.10.24.
2. DN asked DT to confirm that he is the complainant in this matter, which he did. DN explained that the interview was part of the Code of Conduct complaints process, concerning DT's complaint about Councillor Ewen Sinclair.
3. DN explained that she had been asked by the Monitoring Officer of Herefordshire Council to investigate the complaint. DN explained the Code of Conduct complaints process and said that this is confidential but if the matter proceeds to a hearing before Standards Panel, DT's evidence, including this note of our conversation, may be required and made public, which DT confirmed he understood.
4. In light of DT's reference, in his complaint, to the impact of events on his mental and physical health, DN checked with DT that he was content to conduct this conversation without a person to support him. DT confirmed he was happy to proceed.
5. DN said that she would like to ask DT about the following issues: the incident that happened on 17.09.24; the background and context to the incident; and the impact of the event and subsequent events on DT.
6. DN asked DT about the background to the incident, involving past events concerning The Barn. DT explained that he had lived in Ledbury for nearly 50 years and had, until April 2024, lived in a flat opposite to a venue known in Ledbury as The Barn. DT had lived in his flat for 18 years. The Barn is a property situated opposite to DT's flat, which was previously owned by Herefordshire Council. In 2018 the property was purchased by **REDACTED**, who converted it to a social venue, which hosted live music events. This attracted crowds every weekend and was quickly a source of concern to DT, due to the level of noise created. DT described a situation in which he was unable to stay in his home at weekends, due to the noise from The Barn, and he was unable to relax in his home.
7. The background is fully described in DT's complaint, and he also referred to statements he had lodged in support of his complaints to Herefordshire Council about noise.
8. In summary, DT told DN that the impact of this situation was severe in terms of his mental and physical wellbeing. DT said that he sought the support of his GP being anxious and unable to sleep and was prescribed anti-depressants, which he had never required previously; and that his entire life had been adversely affected, including the impact on his relationships and indeed, personality, which DT described as entirely changed by these events. In April 2024, DT moved to another residence in Ledbury, since his complaints about The Barn had ultimately been unsuccessful, and the venue continues to operate to date, having had its licence restored in 2023.
9. DN went on to ask DT to describe the incident on 17.09.24. DT confirmed that he is the Manager of **REDACTED**, in Ledbury. He has worked at the shop for seven years and

been the Manager for two years. On 17.09.24 he was working with his colleague X. Just before the shop was due to close at 5pm, DT and X were preparing to close for the day, which involved going in and out of the shop premises, to bring in display tables that are situated outside the shop.

10. Whilst they were outside, DT saw two men, who he knew to be Councillors Ewen Sinclair ('ES') and Tony Bradford ('TB') walking towards him. DT said that he knew ES as a councillor, although not to speak to. He said he had seen ES in the papers from time to time and knew him to be a supporter of The Barn during enforcement proceedings concerning its licence; he had also seen ES's campaign leaflets when he stood as a candidate for Herefordshire Council. DT knows TB as a councillor and knows him well enough to say hello and chat to.
11. DT said that ES and TB stopped directly in front of him and ES said 'I know, let's go to The Barn for a drink tonight' to TB. DT described ES as laughing at him, and almost 'gurning' when he said this. DN asked whether it was possible that DT had simply overheard a private conversation. DT was certain that this was not the case because the two men stopped directly in front of him, ES was laughing at him, and in DT's observation, intended DT to hear what he said.
12. DN asked what TB's demeanour was during the incident. DT said that TB was neither laughing, nor did he say anything.
13. DN asked DT how he was sure, as stated in his complaint, that ES would know that his comment would upset DT? DT said he believed ES would know this because firstly, as a Ledbury Town Councillor, he would be aware of DT's complaint about The Barn, since the issue was one that was raised at the Town Council meetings, at which DT had spoken on more than one occasion. He said he made statements at LTC meetings and was open about the adverse impact on him, of events concerning The Barn. Secondly, DT said that ES is a friend of **REDACTED**, who dislikes DT due to his complaints about The Barn, and who continues, to the present date, to 'goad' DT by laughing at him and pointing him out to others in passing.
14. DT explained that the comment made by ES caused him to lose his composure. He linked this to what he had told DN earlier, about the impact of events on his personality, which he felt included a reduced ability to manage such situations without losing his composure.
15. DT said that he went back in the shop initially but was so upset by the incident, that he then left the shop to follow ES and TB, intending to tell ES that he would be reporting the incident to the police.
16. DT said that he noted that ES and TB had turned right in Harling Court after they walked on from the shop. With reference to ES suggesting in his email to others after the event, that DT ran after them, DT said ES would not have been able to say this, since he was out of sight. DT said he did not run but did follow them into Harling Court.
17. DN said that ES refers, in his response to the complaint, to DT's use of bad language. DT said he was not able to recall what he said exactly. DT said he told ES that he would regret what he had said because DT intended to report the matter to the police. DT said ES took his phone out of his pocket and DT wondered if he was going to record the conversation. DT said ES was laughing at him throughout.
18. DN asked DT what TB's demeanour was at this point. DT said TB was not laughing and did not say anything, though he did not intervene.

19. DT said that he then went back to the shop to continue closing it. He then went to visit his mother, who lives nearby. He did not tell her what had happened, not wishing to upset her. He did, however, tell his brother, Jonathan Thomas, what had happened. DT said that he found the recent incident extremely upsetting, disrespectful and intimidating.
20. DT said that he reported the incident to the police on 19.09.24 but received no response.
21. DN asked DT what had happened after the incident on 17.09.24. DT told DN that he was made aware, on the morning of 20.09.24, of an email that ES had sent to seventeen recipients on 19.09.24. The email forms part of the complaint and is headed 'Winding People Up'.
22. DN asked DT how he was made aware of the email dated 19.09.24. DT said that a customer of **REDACTED** shop, whom DT knows as an acquaintance, was one of the recipients of the email. DT said he was shocked at the contents of the email and the number of recipients included. DT said that ES's use of words such as 'nutter' supports his belief that ES was aware of the background concerning The Barn and the fact that his comment would upset DT. He was not sure who the word 'liar' referred to; he believed it to refer to either himself or his brother.
23. DN asked DT whether he had had any further communication with ES since 17.09.24. DT said he had not.
24. DN thanked DT for speaking to her and confirmed will send a note of the meeting for agreement.

I agree that this is a true and accurate record of the above interview dated 23.10.24.

Signed:
David Thomas



COC090

Investigation report Appendix 10

REDACTED

Code of Conduct complaint against Councillor Ewen Sinclair COC090

Note of Interview with witness Jonathan Thomas ('JT') on 23 October 2024

1. The interview was conducted by Deborah Nickson ('DN'), Senior Governance Lawyer, Herefordshire Council, by telephone call on 23.10.24.
2. DN asked JT to confirm that he is the brother of the complainant, David Thomas ('DT') in this matter, which he did. DN explained that the interview was part of the Code of Conduct complaints process, concerning DT's complaint about Councillor Ewen Sinclair.
3. DN explained that she had been asked by the Monitoring Officer of Herefordshire Council to investigate the complaint. DN explained the Code of Conduct complaints process and said that this is confidential but if the matter proceeds to a hearing before Standards Panel, JT's evidence, including this note of our conversation, may be required.
4. DN said that she would like to ask JT about the background and context to the incident that happened on 17 September 2024; and the impact of the event and subsequent events on DT. DN explained that, since JT did not witness the event on 17.09.24, this would not be part of the interview, which JT understood.
5. DN asked JT about the background to the incident, involving past events concerning The Barn. JT described a close family relationship with his brother, DT, which, over the past five years, had included a high level of support in relation to events concerning The Barn. JT explained that those events had had a severely adverse impact on DT's mental and physical health. He said that DT's experiences had changed him, reducing him to an angry and depressed person, with less ability to manage his emotions. JT highlighted his expertise as a mental health professional himself, which enabled him to make credible observations about his brother's experiences. He said that DT sought help from his GP and was prescribed anti-depressants, at a point where the situation was 'eating him alive' and he could not even listen to the television in his own home.
6. DN asked whether JT knew ES. JT knew that ES is a councillor but no more than that.
7. DN asked JT how he was sure, as stated in his witness statement for the complaint, that ES would know that his comment would upset DT? JT said that in his view, the very title of ES's email, 'Winding people up is fun', clearly demonstrates his knowing. JT posed the question why else would ES title his email in this way? JT believed ES's comment was intentionally voiced to 'wind' DT up and that the heading showed that very clearly.
8. JT added to this by saying that he was sure ES would know the comment would upset DT because the first recipient of the email that ES sent on 19.09.24 is the owner of The Barn, who JT understands to be a friend of ES. He said that he thought it was significant that ES included the owner of The Barn as the first recipient, suggesting ES wanted him to know what had happened. JT said that ES supports The Barn and promotes it on his Facebook page.
9. JT also believed ES would know the history of events through his role as a councillor, since those events were matters for the Town Council's agenda on more than one

occasion, and DT's complaint, as well as the personal impact upon him, was well known and documented by the Town Council.

10. DN asked JT how he became aware of the email dated 19.09.24. JT said that DT gave him a printout of the email, which had been shared with DT by a customer who was a recipient of the email.
11. DN asked JT what his observations had been about the email and what steps he took. JT said that he was very alarmed. He knew none of the recipients at that stage, save for the Leader of Herefordshire Council, whose inclusion in the email greatly worried him. JT said he could not think of a good reason for this and was worried about whether something 'corrupt' was going on. DN asked JT why he might think that. JT said they had had several communications with the Leader over the past few years, in relation to DT's complaint about The Barn. He therefore had the impression that the inclusion of the Council's Leader was significant and possibly 'sinister'. He said the fact that the Leader is ES's boss made his suspicions more worrying.
12. DN explained that the Leader is not ES's boss and that, whilst the Monitoring Officer for Herefordshire Council has legal responsibility to consider complaints about the conduct of councillors, including town and parish councillors in Herefordshire, there was no connection between ES and the Leader. JT acknowledged this and told DN that he had received an email from the Leader to say he did not know why he had received the email from ES, and that does not condone any behaviour that is disrespectful and found the tone of the email from Mr Sinclair 'totally unacceptable'. However, JT's concerns initially were as described above.
13. JT said that he informed the police about the incident on 17.09.24 via their website. He wanted advice, in light of DT's mental wellbeing around this issue. JT said that an officer called him back and was helpful but told JT that DT would have to log the incident himself, which DT did.
14. JT told DN that he also emailed ES to tell him the police had been informed of the incident and raised a complaint with the Town Council, before supporting DT's complaint under the Code of Conduct to the Monitoring Officer.
15. JT said that he had not had any further communication with ES since these events in September 2024.
16. DN thanked JT for speaking to her and will send a note of the meeting for agreement.

I agree that this is a true and accurate record of the above interview dated 23.10.24.

Signed:
Jonathan Thomas

COC090
Investigation report Appendix 12
REDACTED

Code of Conduct complaint against Councillor Ewen Sinclair COC090

Note of Interview with witness Councillor Tony Bradford ('TB') on 29 October 2024

- The interview was conducted by Deborah Nickson ('DN'), Senior Governance Lawyer, Herefordshire Council, by telephone call on 23.10.24.
- DN asked TB to confirm that he is a witness in relation to a complainant by DT in this matter, which he did. DN explained that the interview was part of the Code of Conduct complaints process, concerning DT's complaint about Councillor Ewen Sinclair ('ES'). TB was aware of the complaint, having been told about it by ES. Having been a councillor for many years, TB confirmed his understanding of the process within which the case is being considered.
- DN explained that she had been asked by the Monitoring Officer of Herefordshire Council to investigate the complaint. DN highlighted that the Code of Conduct complaints process is confidential but if the matter proceeds to a hearing before Standards Panel, TB's evidence, including this note of our conversation, may be required and made public, which TB confirmed he understood.
- DN said that she would like to ask TB about the incident that happened on 17.09.24 when he was walking through the town with ES.
- TB said that he had bumped into ES when they were each leaving The Feathers Hotel just before 5pm on Tuesday 17.09.24. TB explained that he uses the hotel's meeting room for meetings relating to his councillor duties, on a daily basis. He had not been with ES until they met as they were leaving The Feathers. TB said that ES is a fellow councillor and acquaintance rather than a personal friend.
- TB and ES proceeded to walk along New Street in Ledbury; TB told DN he was on his way to see a constituent. As they drew up to **REDACTED** shop, TB saw the complainant, DT, along with a female colleague; they were outside the shop and appeared to be in the process of closing the shop for the day.
- When ES and TB were in front of the shop, ES said something about going to The Barn, which is a pub in Ledbury. TB said that DT immediately took offence and shouted at ES, calling him names, including a 'big twat'. TB recalled that DT's colleague told him to calm down. ES and TB walked on and turned off New Street.
- TB said that he then heard what he thought were running footsteps and then DT came round the corner and continued to call ES names, before leaving, TB assumed, to go back to the shop.
- DN asked TB what he had said and done during the incident. TB said that he was 'gobsmacked' by what happened and was embarrassed by the event. He told DN that he took the view that it was best to say nothing, he therefore kept quiet as he did not want to get involved.
- DN asked TB whether he had felt threatened by the incident. TB said he hadn't but that, had he not known DT, he would have. However, TB explained that he had known DT as a resident for many years and had supported him in relation to the issues with The Barn.

- DN asked TB whether he knew, when he heard it, that ES's comment about The Barn would upset DT. TB told DN that he did know the history regarding DT and The Barn.
- TB said he supported DT when DT brought the matter to Ledbury Town Council. He recalled a meeting where he supported DT when there was a vote to enable DT to speak for longer than the usual 5 minutes allowed to public speakers.
- TB said that he would therefore expect the comment to upset DT if it was directed at him, but he pointed out that he could not be sure whether the comment was directed at DT; he observed that ES said something in DT's earshot and that DT 'went ballistic'. TB said that he did not recall ES raising his voice but did recall that ES was laughing at DT.
- DN asked TB what he made of the email he received from ES on 19.09.24 headed 'Winding People Up' TB did not recognise this description and did not think he had received this email. DN checked and confirmed the email included TB as a recipient. TB confirmed it was his personal email address. However, TB said he receives hundreds of emails, and he simply hadn't seen this one, therefore had formed no view about it at all.
- DN asked TB whether he had seen DT since the incident and TB said he had, as is usual, when he sees DT in the town centre.
- DN thanked DT for speaking to her and confirmed she will send a note of the meeting for agreement.

I agree that this is a true and accurate record of the above interview dated 29.10.24.

Signed:
Councillor Tony Bradford



COC090

Investigation report Appendix 12

REDACTED

Note of Telephone call between Councillor Tony Bradford and REDACTED of Monitoring Officer's team on 06.11.24

REDACTED telephoned Cllr Bradford and said that DN would like to clarify a point:

REDACTED asked Cllr Bradford whether, on the day after the incident (18.09.24), David Thomas came out of the shop and start to shout at him?

Cllr Bradford said David Thomas came out of the shop to speak to him, but he did not shout. Cllr Bradford said he was a little loud, but he was just having a rant and informing Cllr Bradford what he was going to do.

Cllr Bradford said he doesn't know who told us that, he did not feel threatened by David Thomas at all. He said he had known him a long time. He said people often have a rant to him but that's part of being a councillor.



COC090

Investigation report Appendix 13

REDACTED

Complainant David Thomas and Subject Member Councillor Ewen Sinclair

Record of Interview for Subject Member Councillor Ewen Sinclair

Interview on 06 November 2024 at Ledbury Town Council offices

Time: 13:53 to 15:08.

In attendance: Councillor Sinclair (ES) – subject member, REDACTED – friend & support for ES REDACTED, Deborah Nickson (DN) – Herefordshire lawyer and Investigating Officer, Sean O'Connor (SOC) -Herefordshire lawyer and note taker for Investigating Officer.

1. DN requested attendees confirm their role at the meeting. DN explained that she had been asked by the Monitoring Officer ('MO') of Herefordshire Council to investigate the complaint. SOC confirmed his role was to take notes. ES is supported at the meeting by **REDACTED** who confirmed she was aware of her role to support.
2. DN explained that the interview was part of a process concerning a complaint about ES by David Thomas (DT).
3. DN explained the process and said that this it is confidential but if the matter proceeds to a hearing before Standards Panel, ES's evidence including a note of the conversation will be required as evidence.
4. DN explained that the investigation will follow Herefordshire's adopted process and LGA good practice guidance. SOC will make notes, and we will provide a note of the meeting for ES, for agreement or amendment.
5. DN confirmed that, in the case of a member, disclosure of confidential information would itself be a breach of the Code of Conduct.
6. DN stated that it is her role to prepare an investigation report, which DN will draft for the MO to consider; the decision-making lies with the MO. DN confirmed that the MO cannot investigate anything the police are dealing with but didn't understand that applied here. DN also confirmed that the MO cannot look at anything when a member is not acting in their role as a councillor.
7. ES stated that the complaint is about matters that occurred when he was not acting in his capacity as a councillor. DN confirmed that part of the investigation is to determine if that is the case, and it is not always a complete black and white issue.
8. ES believes it is black and white issue, but DN stated that that the MO doesn't agree and that is the reason for the further investigation. DN confirmed that she was worried that if ES hadn't agreed to meet, then she would only have written viewpoint but was glad as to change of mind, so that ES's views could be included as part of the process.
9. DN confirmed that a draft report will be produced, and the MO will decide whether to take no further action, to seek to resolve the matter informally, or to refer the matter to HC's Standards Panel.

10. DN confirmed that she had a number of questions that she would like to discuss.
11. DN asked to confirm ES that he understood that the interview is part of the Code of Conduct complaints process, concerning a complaint by a member of the public, DT, about ES. ES agreed that is the case. ES raised that he thought that DT's brother raised the original complaint. DN confirmed the Code of Conduct complaint was from DT.
12. DN confirmed she wanted to discuss and ask ES broadly about 4 points:
 - the background and context to the incident on 17 September 2024;
 - the incident on 17 September 2024;
 - Email to a number of recipients on 19 September 2024
 - Reporting of the matter to West Mercia Police.

Background

13. DN asked ES to explain the background to the incident, with reference to The Barn. ES said that DT saw ES outside The Barn last summer, getting into his car in New Street. ES said that DT started screaming and bawling at him. ES thinks this was in the summer. ES said that DT started screaming and shouting 'you like going to The Barn don't you' and continued shouting. ES confirmed this was opposite the Co-op in New Street. ES says that this was completely unprovoked.
14. ES said that he didn't understand what that was about at that point but understood there was an ongoing feud between DT and **REDACTED** who is owner of the Barn. ES said that **REDACTED** is a friend of his and ES attends live music at The Barn. ES confirmed that at that time he didn't understand the issue, but he asked **REDACTED**.
15. Having spoken to **REDACTED**, ES understood that DT tried to get The Barn's licence taken away from **REDACTED**. However, ES considers this a side issue. ES said that DT shouting at him was completely unprovoked and ES didn't understand it.
16. DN asked if by 'summer' ES meant 2023 or 2024? That is, 3 or 15 months ago? ES said he thought it was 3 months ago. Somewhere in summer and think it's 2024 but can't be certain. Thinks that it was a couple of months before.
17. DN asked what did ES know about the impact of past events concerning The Barn on DT? ES said he had no idea about past events. ES understood there was a feud and DT tried to get The Barn's licence revoked. ES said that he had spoken to DN on this.
18. DN asked ES about their conversation on 07 October 2024, when ES said he spoke as he did to DT on 17 September 2024, to 'bait' him. ES said that was correct and he makes no bones about that. ES said he said to Cllr Tony Bradford ('TB'), who ES was with during the incident, something like 'the Barn is open tonight do you fancy going for a drink'.
19. DN asked how did ES know that his comment would 'wind him up'? ES said he knew this because of the previous incident where DT shouted at him. ES said that he didn't understand it would work as spectacularly as it did, but he thought DT's behaviour was shocking.
20. DN asked why bait DT at all? ES replied because DT had shouted at him some months previously.
21. DN asked what consideration ES gave to DT's state of mind. ES replied that he had no idea about DT's state of mind.

Incident on 17 September 2024

22. For accuracy, DN confirmed with ES that the incident took place on 17 September 2024 and not that the date in ES email to the police was not the 18th. ES acknowledged that as it was a Tuesday.
23. DN asked to understand what exactly happened that led up to the incident. ES confirmed he was in The Feathers with Tony Bradford (TB) who is also a Ledbury councillor. ES confirmed he was friends with TB before ES was a councillor. TB had been in The Feathers a bit longer and had left first and went to Boots. Later, ES left The Feathers and bumped into TS in New Street. ES confirmed they walked together about 100m to the outside **REDACTED** shop. DT was near the doorway and ES said in a matter of fact way to TB something like 'The Barn is open do you fancy a drink'. DT then screamed 'you twat' at the top of his voice and shouted, 'you moron'. ES doesn't recall how many times he said it. TB and ES stood briefly before walking away.
24. DN asked did ES and TB stop outside **REDACTED**. ES said no they didn't stop but DT was about 1 metre away, in the doorway, when he said it and they continued walking, up to when DT started shouting.
25. DN asked, in the context of ES's statement that he was baiting DT, did ES raise his voice. ES said no, it was same volume as speaking now.
26. DN asked ES why he wanted to bait DT? ES said it was a perfectly reasonable thing to do, due to DT previously shouting at him. ES confirmed his voice remained normal.
27. DN asked, since ES said he was speaking at the same level as now, did he want DT to hear him? ES said that yes, he did intend DT to hear the conversation. ES said that he'd already explained this – he said he intended to bait DT. ES said he will not deny that, as that is what he intended to happen. ES confirmed he intended it as a wind up- he said he didn't shout but wanted DT to hear him.
28. DN asked if ES had been drinking alcohol in The Feathers. ES said no, he had been drinking tea.
29. DN asked about meeting TB again outside The Feathers. ES confirmed he had been in The Feathers for about 1-1 ½ hours but they went their separate ways. ES just happened to bump into TB when ES left by the side exit.
30. DN asked when did ES form a plan in his mind to 'wind up' DT? ES said he didn't intend to do it but just happened to do it - no planning – ES said it just 'shot into his head' as he was walking along. ES said that when they were walking past **REDACTED** ES saw DT and just said it. There was no forward planning.
31. DN asked did ES go to The Barn later with TB? ES said that yes it was open, and he went with his wife to The Barn.
32. DN said there appeared to be two parts to the incident- outside shop and then after turning off New Street? ES said that as DT was shouting, he and TB continued to walk away. ES said there was a woman at **REDACTED** trying to calm DT down. ES doesn't know her name but assumed she was doing this due to DT's overreaction.
33. ES said that he and TB were going to look at a van at Harling Court (**REDACTED**'s van) and turned right to Harling Court. ES said they heard footsteps about 10-15m along Harling Court and after 20 m into the Harling Court, ES said he turned and laughed at DT and asked what

the matter was. ES said that DT continued to hurl abuse. DT didn't come any further towards them, so they left him there. ES and TB walked on, and DT disappeared.

34. DN asked whether ES also laughed at DT outside **REDACTED**. ES confirmed yes, he did.
35. DN asked why would you want to wind DT up? ES said that he had already explained that he wouldn't have done it if DT hadn't shouted at him previously. DN asked was it effectively vengeful? ES said that it wasn't vengeful but was a wind up.
36. DN asked what was TB's reaction? ES said he was shocked. ES says that TB was standing next to him but thought he didn't properly hear or understand what had gone on.
37. DN asked did ES discuss with TB at the time? ES said that he hasn't discussed that much with TB. ES said it didn't take long for them to get over it, but they were shocked at the reaction that it provoked.
38. DN asked if he was worried about TB, as there had been reference in ES's email to TB's age? ES said he wasn't worried about TB as TB was perfectly capable of looking after himself, ES noted TB had spent time with the **REDACTED** Defence Force.
39. DN asked if ES was worried for himself? ES said he was not worried, as he is 'fairly robust'. ES said he didn't feel threatened since he has been in dodgy situations before but someone shouting at him in Ledbury doesn't come up the scale.

Email dated 19 September 2024

40. DN said she wanted to discuss the email that ES had sent on 19 September 2024 to seventeen recipients. ES couldn't remember if the clerk was copied in, but said he had already telephoned the clerk, because he thought it possible that DT might come into the office to complain about him.
41. DN asked why the email was sent? ES said that he had already explained why in his earlier telephone conversation with DN (07 October 2024). ES said the comments about the flag were intended to wind up the chair of the North Herefordshire Conservative Authority ('NHCA'), who he said had been told a pack of lies but believes them without question, hence he 'loves a good liar' in the email.
42. DN asked whether ES was suggesting that the email is not about the incident involving DT incident? ES said he wanted to be clear about the context. He explained that the email refers to complaint COC0045 submitted by **REDACTED**. ES said **REDACTED**, in her capacity as a Herefordshire councillor was fully briefed about things about the War Memorial that went wrong; she had met with **REDACTED** and had introduced to **REDACTED**, a former army chaplain. On the notes on COC0045 stated that **REDACTED** introduced **REDACTED** to **REDACTED** due to bereavement. These are lies. As **REDACTED**, ES said **REDACTED** then joined to people that lied about the war memorial against him. **REDACTED** is a divisive character. ES said that he sent email to **REDACTED** stating, having read through emails 'the smell of fish is more pungent' so he was fully aware that **REDACTED** sided with people who had lied relating to the war memorial.
43. DN says she was struggling with that, as an explanation, and asked was this ES's answer to the reason the email was sent, noting that the first two lines refer about the incident on 17 September. ES said that DN was misunderstanding the context. ES read part of the email and said that the important bit is '*he must have been getting advice from **REDACTED**, the NHCA Chairman, who loves a good liar. The imbecile, with the Union Flag, the wrong way up!*' ES

said that the imbecile is **REDACTED** and the email is about **REDACTED**, who ES was referring to as a liar.

44. DN asked why did he include the 17 recipients? ES confirmed that the vast majority are members of NHCA and it was not a public email. ES said it was sent intending to raise **REDACTED**'s part in COC0045 and that the email was about the War Memorial. The reference to 'liar' is about **REDACTED** who ES said was fully briefed and had changed sides.
45. DN said she wanted to understand, was ES saying the email was sent because of **REDACTED** and **REDACTED**, and the War Memorial? ES confirmed this was correct.
46. DN asked why the email was sent so late in the evening? ES stated that he'd been to a council meeting, and it didn't finish until 9.30pm.
47. DN asked whether ES thought the recipients would have understood the stated context that the email was about **REDACTED** because on the face of it, it appeared to be about the incident with DT. ES said that quite a few people telephoned him to ask what the email was about and that his wife had said he been far too cryptic.
48. DN asked how many called? ES says he couldn't say but a number of people. ES said the email was not about the incident, it was about the lies told by **REDACTED**. ES said its intention was to shine a light on the War Memorial and **REDACTED**'s role in that, in that she told **REDACTED** a pack of lies and he believed them.
49. DN asked, in light of this, why did ES refer to DT as 'this nutter' and 'idiot'? ES said that he didn't know DN's definition but when someone screams 'you twat' and 'you moron' at top of their voice, he doesn't know how else you would describe them.
50. DN asked did ES consider the impact of deliberately winding DT up, and was it fair to goad DT? ES replied there was no point goading DT if he didn't think it would work. ES said he won't wind up people if it isn't going to work and gave the example of his support today, **REDACTED**, who he said doesn't get wound up. ES explained that 'the only people who are worth winding up are those who will rise to the bait'.
51. DN asked whether ES thought deliberately winding up someone was justified? ES says that if someone calls you a twat and moron at top of their voice, then yes but he said that it was an overreaction of epic proportions by DT.
52. DN asked what did ES expect as a reaction and whether ES had thought it was risky? ES said he had expected shouting, as DT had shouted at him previously but considered it to be low risk as far as he was concerned.
53. DN said that DT's brother suggested ES knew it would happen, and ES said he suspected it might but not as volatile as it was.
54. DN asked did ES recall DT coming to Ledbury TC to discuss The Barn? ES said he had already explained that he wasn't present at those meetings, but he understood that **REDACTED** stormed out of room and was found in breach of Code, but he didn't re-stand for re-election. **REDACTED** has not been councillor since May 2023.

Email referral to the Police 20 September 2024

55. DN asked why did ES report the incident to the police? ES confirmed that he did this on advice from a friend because he was aware that JT had reported it to the police. ES reported

it to the Safer Neighbourhoods Police Officer (SNPO) but confirmed that no further action was taken.

56. DN asked why ES waited till 20 September 2024 to report the matter? ES said because he didn't know until then that it has been reported. A friend advised him to report it to the police.
57. DN asked whether it was in response to the JT email to ES on 20 September 2024? ES said that he couldn't recall. DN asked whether he saw the email from JT that he had reported the incident to the police and thought he had better do so? ES confirmed he made the referral on a friend's advice, to put his side of the story.
58. DN asked why he made the referral to a named officer, PC Davies? ES said he emailed him because he' had come to a number of council meetings, and there is a close connection between the policing team and the Town Council.
59. DN said that the referral to PC Davies does not describe the incident in similar terms to the email to the 17 people and the conversation DN and ES has on 7th October 2024. DN asked why the referral makes no reference to goading, laughing or baiting DT. ES replied that he didn't say that in referral, because he didn't consider it was relevant.
60. DN asked ES whether he thought, on reflection, that reporting the incident to the police but not making the point about the goading gave the police all relevant information? ES said that he didn't think that made any difference.
61. DN asked had ES decided to leave out these points out? ES says that no he didn't, but it doesn't make any difference. DN said that she was surprised because it seemed key to the incident. ES replied that no it wasn't and the two are totally unrelated. ES said if someone comes down the street after you, what are you about to think- he felt DN was trying to put words in his mouth.
62. DN explained that she was trying to reconcile what you ES was saying, with what was said to the police. ES said that DN was taking a view that wasn't relevant, and that free speech allows winding people up, so it is not relevant to the police. ES said he thought that what is relevant was the running after us and screaming.
63. DN asked whether ES would think the police would consider it relevant? ES replied that it's not relevant what his view is about what the police think, as we still don't have thought police in this country. ES said the email was sent in response to email from JT, and DN's assumption was correct that the email was written in some haste because he was surprised that a report had been made about him, because winding people up is not a crime in this country. ES explained that JT made a number of assumptions about ES in his email to the police, assuming ES knew something about his brother, but ES confirmed he didn't know anything about these things.
64. DN asked ES about him saying, in his email to police: '*...Neither of us were acting in our capacity as councillors*'. DN asked why did ES say the incident was not to do with LTC, but sent it from his LTC account? ES said that he didn't think about it at the time. He said PC Davies' email was in his council email address book, so just sent it from there.
65. DN asked why, if ES wasn't raising this as a councillor, he used LTC email, noting that ES's email to 17 people used his personal email account. ES said PC Davies' email is in his Councillor email account, so that was where he was sending it from. ES said it was nothing to do with him being a councillor or council business.

66. DN asked why did ES copy in clerk / Councillors Chown? ES confirmed that it was because he was aware that the council office had been visited by DT/JT, so it was relevant to them when the incident happened.
67. DN asked about the part of the email to the police where ES says that the next day, DT shouted at TB. ES confirmed that this is what TB told him the next day, although ES wasn't present. ES said TB told him he had been walking up New Street and DT started shouting at him. ES can't say exactly, as was not there. ES didn't remember the exact details from TB – just that he said DT came out of the shop to shout at him.
68. DN asked what ES had expected SNPO would advise about the case? ES stated that he wanted to make the SNPO aware of what had happened because he was not the only person shouted at by DT. ES said he later found out DT has shouted at others. One is a vulnerable person. ES said DN trying to read too much into this and explained, he wanted the police to know about it. ES didn't expect DT to go off in the way he did, it was totally unexpected. Also, ES reported he was aware that JT had already made a report to police and there was a crime number, so he didn't want neighbours to see the police knocking at his door.
69. DN asked whether ES considered his police report included full enough details – ES confirmed that it did. ES says if you wind someone up and they hit you, unprovoked, then that is a crime. If you wind someone up and shout, it's a public order offence.
70. DN asked whether, in ES's view, PC Davies was missing relevant information? ES said no, he was shouted at by DT and was just reporting it. Anything else is not relevant at all.
71. ES said the other email was to wind up **REDACTED** and he had already explained why it was so cryptic, and that it was about **REDACTED**. ES explained that he does things in a cryptic way.
72. DN closed by saying that we had spoken for just over an hour and DN had asked lots of questions. DN confirmed fruitful to meet and thanked ES for agreeing to meet. Asked whether ES has anything else to say or that he wanted to highlight?
73. ES confirmed it was not council business, and he was not acting as a councillor – this was nothing to do with Ledbury Town Council and he said he was astonished we were here. He said that it is a waste of Herefordshire Council resources and inconvenienced everyone to be here.
74. DN acknowledged his views but confirmed that Herefordshire is following the process set out by statute and the mandate from council about Code of Conduct is what we work within, the MO having asked here for an investigation. ES confirmed that he mostly believes this is a complete waste of resources.
75. DN thanks ES for the meeting and explained next steps- will send note of meeting and hoping to complete report this month.

I agree that this is a true and accurate record of the above interview dated 06.11.24.

Signed:
Councillor Ewen Sinclair



COC090

Investigation report Appendix 14

REDACTED

Note of telephone call to Complainant, David Thomas ('DT')

DN T/c to DT on 11.11.24, to check two points that had arisen during the investigation to date:

- 1. DN asked DT for further details of his having met Cllr Tony Bradford ('TB'), on the day after the incident, 18.11.24:**

DT confirmed, as he had said in his previous meeting with DN, that he has known TB for years and often has a chat. DT said he saw TB walking down New Street as he was closing the shop on 18.09.24. DT said he went to speak to TB, and he told TB that he would be making a complaint about what had happened the day before. DT said the conversation was short and not a challenge in any way, and there were no raised voices. DT confirmed he regularly sees TB to speak to.

- 2. DN asked whether DT recalled having had a conversation with ES in recent months re The Barn, where DT approached ES as he was getting into his car:**

DT confirmed he did recall an occasion when he approached ES when he was getting into his car. DT said this was at least six months ago and he was still living near The Barn at the time. He confirmed he signed a lease for his new home from 01.04.24, although it took him a couple of months to move.

DT recalled that he saw ES and TB walking down New Street and he went up to ES to ask him why he supported The Barn, knowing the issues about noise and licence problems.

DT could not recall the detail of the conversation, though he said he did raise his voice, and he thought he called ES 'a moron' but he did not think he was shouting. He recalled ES replying to his question, that he enjoyed going to The Barn. DT could not recall any more detail because he said it was quite a long time ago.

COC090

Appendix 15

REDACTED STATEMENT 19.05.2022

STATEMENT READ AT PLANNING MEETING WITH LEDBURY TOWN COUNCIL, MAY 19TH.

My name is David Thomas.

I have lived in Ledbury since 1976 and spent all of my adult life living in various flats within the town centre. I have never had any reason to complain about anything.

I now live at **REDACTED**. This is rented accommodation and I have lived here for 17 years. I chose to live here because it is a very quiet location.

The Barn is situated directly outside my flat.

I said the very same words in a statement that I read at a planning meeting here in September 2019. In that statement I made it very clear to Ledbury Town Council what I was having to put up with since The Barn opened as a venue.

For instance:

1. An unbearable level of volume from music, be it from a live band or a sound system.
2. An unbearable level of noise created from people attending the venue – right outside my window.
3. Terms and conditions of the licence agreement not being adhered to at every event.
4. The owners of The Barn (**REDACTED**) demonstrating an arrogant attitude, a complete lack of consideration for others, as well as a total lack of responsibility as business owners.

All of this along with a complete lack of communication between all relevant parties involved in this case, was having a detrimental effect on my health and well-being – making my life a misery and forcing me to leave my home just to escape the noise. Furthermore, I have had to seek help from my GP.

The council said at that meeting *‘Whilst Ledbury Town Council see The Barn as an asset to the town, they can not support the disturbance and breach of licence’*.

I am here now two and a half years later because NOTHING HAS CHANGED.

On October 18th 2019 at a licence review The Barn had their licence suspended for three months.

Sound clips were played to the sub-committee which illustrated the level of noise emanating from The Barn. It was said that warning letters had been sent to the premises licence holder which stated that the issues with regard to noise control needed to be addressed. Officers had advised the licence holder **REDACTED** about improvements which would help prevent the nuisance, but none had been forthcoming.

It was also said, *‘Due to the location, physicality of the area, structure of the building, and frequency, times and nature of events being held at the premises, it is our opinion the noise is causing a noise disturbance to the surrounding locality’*. Licencing Officer, Mr Fred Spriggs said *‘To put this in to perspective, I would not want to live in the vicinity of these premises, as the noise would be excessive’*.

for the area and cause me considerable nuisance’. **REDACTED**’s response to this was to ask if she could read out a poem.

The committee chairman Mr Alan Seldon said they decided to suspend the licence for a period of three months. He said *‘This is to allow time for consultation with the neighbours and time for noise attenuation measures to be put in place’*. THIS HAS NEVER HAPPENED.

In January 2020, I was informed by Planning Officer Steve Davies that the freight container situated in the outside area of The Barn was unlawful. Furthermore, he said in his final email to me, *‘Planning application 190253 has been withdrawn (it was due for refusal) and the applicant is intending to re-submit in the near future with revised proposals. He intends to remove the freight container and has been advised that the use of the bar is unacceptable without adequate measures to mitigate noise nuisance. He intends to address this issue in his revised proposal for which he has been advised to provide the following.....’*

1. A revised planning statement which sets out more realistically the actual use of the premises.
2. A noise assessment which examines the impact of amplified music at the nearest closest sensitive receptors.
3. A detailed noise management plan as to how noise will be managed at the site.
4. Proposed structural upgrading to ensure that there is no noise breakout from inside of the premises through poor structure, doors and windows. THIS HAS NEVER HAPPENED.

However, what did happen is this....

On August 18th 2020 I arrived home from work, but I was unable to access my front door because there was a crane obstructing the entrance to my property. Having been informed about the freight container, I just assumed that the crane was there to remove it, as instructed by planning officers.

The freight container is still there. It was merely re-positioned. I have since been informed by a member of Ledbury Town Council that the owners of The Barn intend to use the container as a ‘sound barrier’.

This demonstrates that **REDACTED** will do whatever he likes, whenever he likes, regardless of what he has been told to do by the relevant authorities.

After the lockdown which began in March 2020, which was absolute bliss for me, The Barn re-opened with a new revised licence. The conditions being...

1. All activities will be from 10am – 10pm Monday to Sunday.
2. Customers must leave the premises by 10.30pm.
3. The existing condition regarding noise and vibration will remain in place on the licence.

The licence holder also had to agree a dispersal policy with environmental protection prior to the lifting of their suspension. THIS HAS NEVER HAPPENED.

Also, Section 177 of the Live Music Act 2012 was disapplied.

As I have said before, the owners of The Barn have never had the courtesy to inform or consult me about any building work due to take place there.

In July 2020, without warning **REDACTED** dug up the area outside my home, leaving me with very limited access to my front door. At times, no access at all. **REDACTED**’s behaviour at this time could easily be regarded as intimidation. I reported this to the police.

Councillor Liz Harvey informed me in an email that *'The owners of The Barn have very limited planning permission in place. They have managed to do most of the work to date by 'repairing' The Barn rather than by altering it'*. She went on to say that, *'It is clear to anyone visiting the premises that the work has gone beyond repair and there are retrospective applications that relate to this work'*.

Planning Officer Susanna Burrage said in October 2019 *'We object to the proposed change of use on noise and nuisance grounds as we are of the opinion that as a retrospective planning proposal, what is there is almost certain to adversely impact on the amenity of neighbouring residents. This is in terms of amplified music emanating from a poorly insulated and structurally defective barn'*.

So, I was alarmed when during the second lockdown that began in January 2021, the owners of The Barn began building work directly outside my home. Work that was so noisy, I was forced to leave my flat nearly every day – during lockdown.

I complained about this to Herefordshire Council. I had no response. I complained about this to Councillor Liz Harvey. Her response was to inform me that the council have 'bigger fish to fry and that I would just have to put up with it'.

She also said, *'The use class approval for the building remained as a café and art gallery and that there is no planning permission for it to be used for other purposes. Change of use permission will be needed in order to operate into the evenings and to serve alcohol and play music'*.

So again, I was alarmed when in July 2021 a post appeared on The Barn's social media page saying *'Good news, The Barn in Ledbury is holding an open mic outside every Saturday. Anyone can go along and play to their hearts content. You may even be offered a paid gig in The Barn on a Saturday evening'*.

Furthermore, I had to suffer disturbance from large noisy crowds of people gathering outside of The Barn, outside my window, unannounced on land that does not belong to them.

Again, I complained about this to Herefordshire Council. Again, I had no response. On September 9th last year I asked **REDACTED** who had given her permission to use this land. She replied, 'Liz Harvey'.

As I have said before, I do not enjoy complaining. I am sick to death of it. It is mentally exhausting and extremely boring. Believe me I have far better things to be doing with my time. Due to the poor response from Herefordshire Council I was advised by PC Nick Ashby in July 2021 to complain to the police. He assured me that all disturbances would be logged and all relevant information would be passed on to licencing. I made 14 complaints to the police until I was finally contacted by Environmental Health in December, five months later.

I was appalled to learn that a live music event that was due to take place on December 18th had been granted a Temporary Events Notice, despite my previous 14 complaints.

I was also told that a meeting was going to be arranged involving all relevant parties to discuss the situation at The Barn. I then heard nothing from the council for three months, despite continuing to complain about further disturbances. Eventually, I was contacted by Environmental Health at the end of March this year. I was told that a meeting had taken place with the owners back in January. I should have been informed of this. I have no idea of the outcome of that meeting. The only information I was given is as follows.

There was a dispute over the exact usage of the premises. The owners regard the freight container as adequate noise attenuation. They were also IN COMPLETE DENIAL OF EVER BEING A PUBLIC NUISANCE.

I have been told by Environmental Health that they see no point in sending letters of warning to The Barn because they firmly believe that they are being ignored. The owners have never taken this situation seriously at all.

Anybody who attended the planning meeting in 2019 will recall the ludicrous and frankly embarrassing response from **REDACTED** after I read my statement. He said I had no right to complain because other people living on **REDACTED** were being woken up by tractors driving over drain covers in the middle of the night. He also said that I should just move house.

There have been so many disturbances that I have been unable to list them all in this statement. I have included a few examples.

On August 6th last year, a few days after The Barn was named as trader of the week in the Ledbury Reporter, there was a live music event held at The Barn. Loud music was played beyond the cut off point at 10pm and went on until 11pm. Customers remained on the premises until 11.30pm. When The Barn finally did shut, **REDACTED** and a group of people continued to make a disturbance outside my home past midnight.

I approached them and informed them that I was in bed trying to get some sleep and that if they didn't leave I would call the police.

On September 11th of last year, I was woken up by laughter outside of my flat. I witnessed **REDACTED** telling a female employee of **REDACTED** that I had complained the previous weekend about amplified music being played outside of The Barn. 'I wish I'd been there to see that' she replied. **REDACTED** is owned by **REDACTED**. She is also the previous owner of **REDACTED**. In April 2019 **REDACTED** lied about me to Herefordshire Council in a letter of support for The Barn. This was defamation of character.

On October 20th of last year, another private party was held at The Barn. Once again, I was forced to leave my flat to escape the noise. I was horrified at the amount of vehicles turning into the car park – all heading for The Barn. I thought about the 46 years I have lived in this town, and yet again I was being forced to leave my home – as a result of the actions of irresponsible business owners who simply couldn't care less about the noise that they were making and the impact it was having on people living nearby. People like me – **the nearest, closest, sensitive receptor**.

This year, March 12th, loud music began emanating from The Barn at 10.20pm. This continued until 11pm with what sounded like a man speaking over a PA system alongside the music. Customers remained on the premises past 11pm.

Two days later I informed **REDACTED** that the council had been made aware of this latest disturbance and breach of licence. He looked up at me with a big smirk on his face and told me that he did not need any planning permission whatsoever and that he could do whatever he liked.

On April 20th this year another private party took place outside my home – further disturbance. I complained about this to Herefordshire Council – again I had no response. A week later I arrived home from work to find a large crowd of people gathering outside my home. Not for the first time I witnessed **REDACTED** pointing me out as the one person making complaints about The Barn. However, I am not the only person making complaints.

I was aware that this was another private party because as per usual I didn't recognise anybody and there was no event advertised on The Barn's social media page. I was in disbelief at how loud the music was that night.

After singing Happy Birthday, customers left on time for a change, very noisily.

I later learned that all of this noise was clearly heard by residents of the Alms Houses.

Yet again, my night was ruined. I could feel the vibration of the bass and drums running down my neck and back as I sat on my sofa trying to watch my tv.

I thought about the first line of The Barn's licence agreement. It says '*Noise or vibration shall not emanate from the premises so as to cause a nuisance*'. I have stated this time and time again and I have been ignored time and time again.

I thought about my basic human rights. My right to privacy. My right to relax in my own home.

I thought about comments made by Councillor Phillip Howells who during his term as Mayor of Ledbury agreed to meet me in my flat to discuss the situation at The Barn. In a long conversation he informed me that **REDACTED** had a 'vendetta' against me.

He repeated this to me on two other separate occasions. He has since denied ever saying this.

In December of last year, Mr Howells informed me that he now regards The Barn as a great asset to the town and that the owners were acting perfectly within their rights. He went on to say that there was nothing I could do about it. But there is something I can do about it like I did before. I have continued to gather evidence of noise nuisance at The Barn as instructed by Environmental Health.

Unfortunately, I have had to involve solicitors. This will no doubt cost me money. The thought of this fills me with dread. But I find comfort in the knowledge that I have the full support of my family and friends. People who know exactly what has been happening outside my home. People who are aware of the way that I have been treated. People who actually live in this town.

Finally, I will end in the same way I did in my previous statement two and a half years ago. Would you tolerate being treated in this way – and would you honestly want all of this disturbance going on right outside your home every week? If the answer to that is no, then why am I STILL having to put up with it.

COC090
Appendix 16
REDACTED statement of JT 19.05.22

SUPPORTING STATEMENT

I work as a mental health nurse, but you don't have to work within the field of mental health to know or understand the impact that stress can have on someone. I have seen this in my work with patients and now over recent years in my family, as we witness the impact the ongoing situation is having on my brother David - and as a result and without a doubt has changed him. Anyone who really knows David will tell you this.

We have noticed this steady deterioration over the past few years. David has become unwell. He is depressed and is prescribed medication from his GP. He has become physically and mentally exhausted from sleepless nights and anxiety.

Behind closed doors in family life we have watched David implode. We have also witnessed him explode, as he has become angry and short tempered out of sheer frustration of what he has to put up with so often right outside his home - and also how unsupported and let down he has felt by relevant parties. Losing his composure with people is completely out of character for my brother not how he would usually behave. Saying that, I challenge anybody to maintain theirs if continually faced with all the disturbances coming from The Barn right outside their own home – as well as continually not being listened to or having their concerns considered over such a lengthy period.

Naturally, this whole sorry continuing saga has spilled in to our family life as we do our best to support David and try to keep him well. I am not enjoying the effect that it's having on us and in particular our Mom – of which the stress is simply progressing her dementia. This is clear so see. David's usual ability to care for her as well as he had been is now compromised. His performance at work due to the stress and exhaustion caused is also affected.

My family have loved living in Ledbury for a very long time. My Dad was deputy headmaster of Ledbury Junior School for 30 plus years. This does not give us grounds to expect anything, of course not. However, what I would expect or at least hope for – for David and others affected is respect and fairness. I haven't seen either. The whole experience has certainly marred our love of living in Ledbury and when I think of all the complexities of the situation and its impact on David and my family, then I'm actually glad that my Dad is no longer here to witness it.

It has been said by some, 'If it's that bad then why not move'? This is easier said than done considering finances required and a lack of rental properties in the area. Besides, why should he move? He chose to live in the property because of its quiet location, 17 years ago.

When I prepared this statement, I was reminded of the alarming conversation **REDACTED** had with **REDACTED**, following his complaint against The Barn as he was concerned that he could potentially lose a tenant. **REDACTED** reassured him that he could quite happily fill **REDACTED** with another tenant from people he knows. This response further demonstrates a lack of care, consideration and responsibility.

Is The Barn really an asset to the community?

When I think about their actions and behaviour already mentioned such as not being responsible as business owners or people, not adhering to licencing conditions, bullying and intimidating my brother, having no consideration for people living in the area with full knowledge of the impact they are having on them - and just generally ‘ploughing’ on and doing what ever they see fit, then in my opinion they are a so called ‘asset’ that the people of Ledbury could do without.

Where is David’s right to a private and peaceful home life?

A simple thing like watching and being able to hear the tv in our homes is something that we would all expect to be able to do. More importantly, what about just being able to concentrate and simply relax in our homes - and just BE? This normal way of living has been taken away from David causing nothing but misery - and this has been the case since The Barn came about. I’ve lost count of how many times David’s had to leave his flat to escape the noise. How can this be acceptable? How can this be right?

Simply put, and as documented, The Barn is not in the right location to do the things it wants to do and how often it wants to do them.

I typed David’s statement for him which emotionally I found very difficult to do, as it just reminded me of how many challenges he has had to endure. Yes, his statement is long, but it is as I would expect from him - 100 percent truth.

It is absolutely beyond me why The Barn are still able to operate with more or less free reign, for twelve hours plus each day, seven days a week – in the way that they have been doing so for too long. The impact its had over recent years on David’s time, his health (mental and physical), his finances, his home and family life should in my opinion be compensated for.

I would say it is the council’s responsibility to ensure that businesses are operating fairly, within the law and without breaching licencing conditions.

In closing, I just can’t find the words to express how much we feel that David is continually being let down by relevant parties and so as a family, along with his friends and people who know him, we will continue to support him protect his home life and health and well-being.

It is just not acceptable that someone should be exposed to all the issues that have been documented and mentioned. The comment from Ledbury Council stating that they have ‘bigger fish to fry’ I find outrageous and insulting especially considering the impact on David, my family and others affected by this ongoing situation.

This is the bigger fish – the health and well-being of the people of Ledbury.

Enough is enough.

Jonathan Thomas
19.05.22

COC090 Appendix 17 - REDACTED

DAVID THOMAS STATEMENT, 08.09.22

At a planning meeting on May 19th 2022 I read a statement that made it very clear to Ledbury Town Council what I was having to put up with since The Barn opened as a venue in 2018.

Councillor Morris was Chair of that meeting. He informed me that there was nothing he could do, and he couldn't guarantee that anything would ever get done. At no point did he offer any kind of support, despite the Council saying at a planning meeting in 2019.

'Whilst Ledbury Town Council see The Barn as an asset to the town, they can not support the disturbance and breach of licence'.

Councillor Morris also advised me to write to the Chief Executive of Herefordshire Council, Mr Paul Walker, to bring the issues to his attention for further consideration.

I did this and I was told that I would be contacted by **REDACTED**. Despite numerous complaints to my MP Mr Bill Wiggin and to Mr Paul Walker, I am yet to hear from **REDACTED**. Nearly four months have passed and I haven't heard a word from him. This is diabolical.

Sadly, when dealing with Herefordshire Council, this is something that I have become well accustomed to.

I am perplexed as to why Ledbury Town Council are unwilling to support me. I have been informed by a member of Ledbury Town Council that in relation to The Barn some Council members clearly have their own agenda. I have also been shown an email that was sent from the Town Clerk to all Councillors clearly stating that Ledbury Town Council are not interested in my situation and that I should complain to Herefordshire Council instead.

What do you think I have been doing for the last four years?

By not supporting me you are supporting The Barn. In doing so you are supporting a venue that has no planning permission and no music licence. You are supporting unacceptable levels of noise and breach of licence. You are supporting a 'public nuisance' You are supporting the actions of irresponsible business owners who simply couldn't care less about the impact this has had on my life.

It has made me ill. I'll say this again – it has made me ill.

You are supporting a venue that has proved to be very unpopular with the residents of Ledbury. The owners are merely using it to entertain their friends.

Despite my complaints to Herefordshire Council, The Barn continue to hold private parties and live music events right outside my home. I work six days a week and I look after my Mother who has Vascular Dementia and I come home to this.

(photographs)

I have been advised to take photographs by Herefordshire Council in order to document all disturbances outside of my home. The owner of The Barn **REDACTED**

regards this as intimidation. I am still being pointed out by him to customers of The Barn as the person making complaints. This is intimidation.

As I have said before, this land (photograph) does not belong to The Barn. The consumption of alcohol is not permitted in this area. I would like to know who gave The Barn permission to install the seating that is being used by their customers. I am now having to suffer anti-social behaviour from people gathering here at night – very late and very loud. This is yet more disturbance that I have to put up with as do the older residents of The Alms Houses nearby.

Judging by the level of noise coming from outside of The Barn on Bank Holiday Monday (Ledbury Carnival Day) I can only assume that despite my complaints, the owners were granted a Temporary Events Notice. This event was witnessed by the Town Clerk who agreed that the level of noise was unacceptable. She reported this to the police.

This week I was contacted by PC Ransome-Williams. On September 5th she informed me that **REDACTED** had reported me for verbally abusing **REDACTED** on Bank Holiday Monday and for chasing him down the street (?) during the Carnival procession. This did not happen. It is complete nonsense. Someone is lying about me to the police.

As I have said before, I have lived in Ledbury for nearly fifty years. A lot longer than most members of the Council. Some members of the Council don't even live in Ledbury, yet the Council seem to think that they have the right to tell me that The Barn is a great asset to the town and that there is nothing I can do about it.

You have clearly ignored every word of my statement. You seem unable to understand the very first line of The Barn's licence agreement which states in plain English.

'Noise and vibration shall not emanate from the premises so as to cause a nuisance'

Ledbury Town Council is turning a blind eye to what is happening outside of my home and blatantly ignoring my basic human rights.

I would like to know why you are not supporting me?

I will end by asking you all a question. A question that I have asked you before.

Would you want all of this disturbance outside of your home every week?

David Thomas



COC090

Investigation report Appendix 18

REDACTED

Comments received on draft investigation report

Complainant David Thomas ('DT')

DT responded to the draft report by Teams call on 2 December 2024 and he highlighted the following:

Paragraph 32: factual error- it was The Barn that had been previously owned by Herefordshire Council, not DT's flat. This has been corrected in final report.

Paragraph 56: DT confirmed his recollection of a conversation with Councillor Sinclair prior to September 2024. However, he recalled this happened in New Street, rather than outside The Barn. This has been corrected in final report.

Paragraph 66: DT said that, when he spoke to Councillor Sinclair in Harling Court he did not 'hurl abuse' but was calm in saying he would report the matter to the police.

Paragraph 83: DT said that he did not scream.

Paragraph 121: DT noted that there would be no line of sight from New Street to where Councillors Sinclair and Bradford were, in Harling Court and that they therefore could not have said there were 'running' footsteps.

In relation to paragraphs 66, 83, and 121, I explained to DT that these form part of Councillor Sinclair's evidence and therefore, will not be altered in the report but his comments will be noted.

Subject member Councillor Ewen Sinclair

Councillor Sinclair responded to the draft report by email dated 4 December 2024 as follows:

"I have read and re-read the Report for CoC090, the content is unbelievable. You have specifically interpreted events to engineer breaches.

1. Jonathan Thomas was interviewed, he was not a witness, interviewing him is predetermination.
2. Of greater concern is the fact that you met with JT, a third party on 23 Oct 24.
3. Paragraphs 141 to 145 find me not in breach, there should not have been an investigation.
4. I made my position clear in an email dated 13 Nov 24, see attached, you have chosen to dispute this. May I remind you of the Pungent Fish Comment, the email was directed at **REDACTED**. Oddly enough, she hasn't made a complaint about me calling her an imbecile, ask yourself, what does she have to hide.
5. Paragraph 151, it has been repeated many times, you choose to selectively interpret.
6. Paragraph 152 the email was from my private account.
7. Paragraphs 153 to 155, you are twisting words to suit a narrative, to link to LTC, see attached email dated 13 Nov 24.
8. Paragraphs 163 to 177 are not part of the complaint, it is you who has added this. Unbelievably, at Paragraph 175, you state the Police may have acted differently. No they wouldn't, this is supposition on your part.
9. You tell me that my Private Email was linked to LTC, yet you accuse me for using my LTC Email, the logic is flawed, it makes no sense.

At Paragraph 73 of the Meeting Notes, I confirmed it was not council business, and was not acting as a councillor – this was nothing to do with Ledbury Town Council and said I was

astonished we were here. I said that it is a waste of Herefordshire Council resources and inconvenienced everyone to be here. Nothing has changed.”

The email referred to is included as Appendix 19 to the investigation report.

Re: Code of Conduct complaint - reference COC090

From: Ewen Sinclair [REDACTED]
To: deborah.nickson@herefordshire.gov.uk
Cc: code-of-conduct@herefordshire.gov.uk; paul.walker@herefordshire.gov.uk; claire.porter2@herefordshire.gov.uk
Date: Wednesday 13 November 2024 at 18:43 GMT

Dear Ms Nickson

In your preamble (Para 6) of 6 Nov 24, you clearly state that the MO can only investigate if a Cllr is Acting in their role as a Cllr. To be clear, outside the [REDACTED]

I was not on Council Business
I was not representing LTC
I was not acting as a Councillor

Having read the meeting notes several times, this is a witch hunt, based on carefully crafted questions in an attempt to incriminate me. Tony Bradford has received several phone calls and agrees that I was not a Cllr. Subsequent events can't be used to "engineer" an outcome. Paragraphs 6, 7 and 8; let's find creative ways to say that Ewen is a liar. Supposition, Balance of Probability or any other interpretations are meaningless, unless you can prove that I am a liar, this is over.

For clarity CoC045 [REDACTED] was the Complainant, she is a liar this is why I sent the email. See attached, [REDACTED] knew what had gone on and lied, *the smell of fish became more pungent*. My response to CoC045 provided evidence of fraud. Invoices were issued for work already paid for and LTC paid them again, your decision emboldened and enabled the liars to attack me. A transcript of the EO FC of 28 Feb 24 is attached, I have added notes. [REDACTED] abused Members of the Public in a Council Meeting, complaints were made. These were considered Not In The Public Interest. So a Cllr sitting in a Council Meeting abusing people is not subject Nolan or Standing orders, am I missing the joke? [REDACTED] has quite a lot to say about the MO, as you will see.

The Safer Neighbourhood Police Team's contact details are available to All Members of the Public, see [link](#). Once again paras 55 to 72 are trying to use an email to "engineer" an outcome.

Herefordshire Council is signed up to the Armed Forces Charter to Proudly Support Those Who Serve. Then we have Claire Porter Proudly Persecuting Those Who Serve.

I make no apology for the tone of this email, this is harassment and has to stop.

Regards

Ewen

On Friday 8 November 2024 at 10:45:01 GMT, Code-of-Conduct <code-of-conduct@herefordshire.gov.uk> wrote:

OFFICIAL

Dear Cllr Sinclair,

Please see attached interview notes and letter from Deborah Nickson.

Kind regards



Senior Paralegal Officer, Legal Services, Plough Lane, Hereford, HR4 0LE. Tel: [REDACTED]

Herefordshire.gov.uk

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Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council. This e-mail and any files transmitted with it are confidential and intended solely for the use of the addressee. This communication may contain material protected by law from being passed on. If you are not the intended recipient and have received this e-mail in error, you are advised that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please contact the sender immediately and destroy all copies of it.



[REDACTED] Pungent Fish Ledbury War Memorial.pdf
287kB



Transcript LTC meeting 280224 Final ES Edit with notes.docx
83.3kB