Herefordshire Council

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 it 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