Herefordshire Council

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 it 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