Herefordshire Council

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.

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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.

<u>Background</u>

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.

<u>Email dated 19 September 2024</u>

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 eth 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.

<u>Email referral to the Police 20 September 2024</u>

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