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Cartwright
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PRIVATE & CONFIDENTIAL

**REPORT OF AN INVESTIGATION UNDER
THE CODE OF CONDUCT
INTO ALLEGATIONS CONCERNING
COUNCILLORS JOLLEY AND EMERY OF MANEA PARISH COUNCIL**

by

**Stephen Pearson, Partner
Freeth Cartwright LLP
(Appointed by Alan Pain, Monitoring Officer and Corporate Director of
Fenland District Council)**

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1. Executive Summary

Fenland District Council (“FDC”) received a Complaint Form from Councillor Mark Archer on 11 September 2013 concerning the conduct of Councillors Emery and Jolley.

These complaints were considered by the Conduct Committee of FDC on 7 November 2013 who determined that the allegations should be referred further for investigation. The complaint was referred to me with a request to investigate initially on 12 November 2013.

I, Stephen Pearson have obtained both oral evidence from telephone conversations and copies of documents from Councillor Emery, Councillor Jolley and Councillor Fielding.

The basis of the complaint is that Councillors Emery and Jolley failed to comply with the relevant provisions of the current FDC Code of Conduct, which, I am advised is also the relevant code for the Manea Parish Council in terms of the wording of all relevant provisions. These include:

- Paragraph 3(1) - *“You must treat others with respect”.*
- Paragraph 3(2)(b) - *“(You must not) bully any person”.*
- Paragraph 3(2)(c) – *(You must not) “intimidate or attempt to intimidate any person who is or is likely to be:*
 - *(i) a complainant;*
 - *(ii) a witness; or*
 - *(iii) involved in the administration of any investigation proceedings in relation to an allegation that a member has failed with his or her Authority’s Code of Conduct”.*
- Paragraph 3(2)(d) – *(You must not) “do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Authority.”*
- Paragraph 4 – *“You must not (a) disclose information given to you in confidence by anyone”.*
- Paragraph 5 – *(You must not) “conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.*

- *Paragraph 6(a) – “(You) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage”.*

2. **Councillors Emery and Jolley's Official Details**

Councillor Emery has been a member of the Manea Parish Council for 30 years and Chairman since 2000.

Councillor Jolley is a Fenland District Council District Councillor and has been a member of Manea Parish Council for 10 years.

3. **The Relevant Legislation and Protocols (in force at the time the incidents complained of)**

I understand that the Parish is subject to the Fenland District Council Code of Conduct, which provides:

- Paragraph 3(1) - *“You must treat others with respect”*.
- Paragraph 3(2)(b) - *“You must not bully any person”*.
- Paragraph 3(2)(c) – *“You must not intimidate or attempt to intimidate any person who is or is likely to be (i) a complainant ... in relation to an allegation that a member has failed to comply with his or her authority’s Code of Conduct”*.
- Paragraph 3(2)(d) – *“You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Authority.”*
- Paragraph 4 – *“You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where: (i) you have the consent of a person authorised to give it ...; (iv) the disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the Authority.”*
- Paragraph 5 – *“You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.*
- Paragraph 6(a) – *“(You) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage”*.

4. Chronology

- 4.1. **15 April 2013** – Manea Annual Parish Meeting.
- 4.2. **22 July 2013** – Manea Parish Council Monthly Meeting.
- 4.3. **4 September 2013** - complaint made over alleged breach of planning by Councillor Archer to FDC.
- 4.4. **11 September 2013** – Councillor Archer complains to Monitoring Officer at FDC concerning alleged breach of Code of Conduct by Councillors Emery and Jolley.
- 4.5. **7 November 2013** – FDC Conduct Committee considers complaints made against Councillor Jolley and Councillor Emery.
- 4.6. **14 November 2013** – FC asked to proceed with investigation.

5. Disputed Facts

There appears to be some confusion around the following issues:

- 5.1. Whether the incidents complained of took place at the April Annual Parish Council Meeting or the July Regular Parish Council Meeting – see copy email from Councillor Fielding to Councillor Archer of 10 October 2013 at 9.1, and whether the July Meeting had refreshments served.
- 5.2. There also seems to be some confusion in terms of whether the actual individual planning situation complained of relates to a “*change of use*” from a previously commercial building or the construction / rebuilding and adaptation of a residence.
- 5.3. Whether any of the emails produced were actually “*after the event*”.
- 5.4. Whether Councillor Jolley ever spoke to Councillor Fielding on this matter – he denies speaking to him in person or on the telephone.
- 5.5. Whether Councillor Emery ever spoke on the telephone to Councillor Fielding – Councillor Emery says that he did not.
- 5.6. Whether or not the building was subject to a new “*brick skin*” or remained as a log cabin.

6. The Evidence Gathered

- I have taken account of evidence received in telephone conversations and converted into statements from:
 - Councillor Emery;
 - Councillor Jolley;
 - Councillor Archer; and
 - Councillor Fielding.
- I have also spoken to Councillor Sutton, although this is not directly germane to the report itself.
- Local press articles have been obtained and annexed.
- I spoke (briefly) to Mr Jordan, the Clerk to the Parish Council to check certain facts.
- I received an (unsolicited) statement from Mr Savage.
- I spoke to Mr Tilly, Planning Enforcement Officer from Fenland District Council.

7. Summary of Material Conclusions

- 7.1. This case has stirred some strong representations by the individuals involved. Whilst there are some clear disputes about whether the comments made (or alleged to have been made) occurred in April or July and there are differences of opinion between the members involved and whether telephone calls were made, it does appear to be the case that Councillor Fielding was discouraged from reporting a planning enforcement issue within the Parish.
- 7.2. The breach of planning control concerned appears to be a serious one, and, at the date of writing this report the individual involved has been requested to apply for retrospective planning permission by no later than 10 January 2014. If he does not, Planning Enforcement at Fenland District Council has informed him that enforcement action is likely to be taken against him.
- 7.3. It does appear that both Councillor Emery and Councillor Jolley, through his company did have a historic business relationship with Mr Savage that may or may not have been subject to any formal disclosure requirement. This relationship was not directly disclosed by Messrs Emery or Jolley as part of the investigation.
- 7.4. Mr Jordan, the Clerk to the Parish Council informs me that Councillor Fielding did ask him, at some point between April and July whether it was required for the alleged planning breach to be discussed at the Parish Council. His advice was that it was not.
- 7.5. Despite an allegation of serious breach of planning control within the village, the situation related to Mr Savage's property appears never to have been reported as a matter for discussion by the Parish Council. This is unusual. To my mind, it was incumbent upon the Chairman of the Parish Council to see that this potentially serious matter was discussed once it was drawn to his attention, which it clearly was. Instead, he by his own admission said it had to be put in writing. However, it could probably have been discussed as a matter of urgency not requiring written notice to be given – yet it was not. This creates the impression that certain members did not want to see the matter being discussed.

- 7.6. The fact that Councillor Fielding is an inexperienced member is relevant. He could have insisted on the matter being considered by the Parish Council by, for example speaking to the Clerk – but he did not, choosing instead to take advice from the Chairman, Councillor Emery and Councillor Jolley. It strikes me that he was “*put off*” to some degree from reporting a matter relating to an individual with a history of breaching planning consent but who escaped enforcement action in the past.

8. Reasoning as to whether there have been failures to comply with the Code of Conduct and Findings

- 8.1. Paragraph 3.1 – (you must treat others with respect) - it does seem that Councillor Fielding was not treated with respect when he sought to bring forward an issue of relevant concern raised by parishioners – he was “*put off*” from raising the issue by both Councillors Emery and Jolley, irrespective of the precise words used. As such I find that, as far as Councillor Jolley and Councillor Emery are concerned, the allegation **is** proven. Councillor Emery states that he told Councillor Fielding that any matters for the Council should be submitted in writing. Whether this is true or not, most Parish Councils will accept a verbal request for an item to be placed on the agenda, and this has been confirmed by his subsequent comments.
- 8.2. Paragraph 3.2(b) of the Code of Conduct – (you must not bully any person) – although attempts appear to have been made to dissuade Mr Fielding from reporting on a planning breach, it seems that, as a strong minded person there is no evidence that he was bullied as such and **I find this allegation not to be proven.**
- 8.3. Paragraph 3(2)(c) – (intimidation of any person in relation to an allegation that a member has failed to comply with the Code of Conduct). This would not seem to be relevant and **I find this allegation not to be proven.**
- 8.4. Paragraph 4.2 – (disclosing information given in confidence). It seems that Mr Savage did obtain information at an early point, including statements and copies of the complaint made by Councillor Archer. It seems that Mr Savage then sought to intimidate, threaten and argue with Councillor Archer and Councillor Fielding as a result of this information falling into his hands. It has been alleged that inappropriate disclosure of information have been made at an early point when it should not have been. Mr Savage was not a party to the complaint itself, but I have ascertained that the relevant report would have been publically available from late October, and it therefore appears that nothing has been disclosed that was not, generally publically available and as such, **I find this allegation not proven.**
- 8.5. Paragraph 5 – (conducting yourself in a manner which can reasonably be regarded as bringing your office or authority into

disrepute). I accept that it is important that members of a Parish Council should bring forward legitimate matters of concern reported by members of the population of the Parish. I would also expect that the Chair of a Council would expect to have such a matter put on the agenda when brought to his attention, whether or not it was put in writing. To seek to prevent or dissuade members from bringing legitimate items forward for discussion, for whatever reason would seem clearly to be inappropriate and would be regarded as bringing the office, for example the Chair of the Parish Council, and the Parish Council itself into disrepute. **I do find this allegation proven in respect of Councillor Emery.** With respect to Councillor Jolley, the situation is less clear-cut given that he is not in a position of authority on the Council and **I find the allegation not proven in respect of Councillor Jolley.**

- 8.6. Paragraph 6(a) – (using to attempting to use your position as a member to confer an advantage or disadvantage for yourself or any other person). It does seem clear that Councillor Emery, as Chairman sought to use his position as a long established member to attempt to prevent this major planning breach issue from seeing the “*light of day*”. This is particularly concerning as the individual involved had a history of committing breaches of planning control and had a historical business relationship with both Councillors Emery and Jolley. Accordingly it would appear that he did improperly misuse his position and **I find that this allegation is proven in respect of Councillor Emery.** With respect to Councillor Jolley, as an experienced Parish Council and District Council member, it does appear that he has been involved in the matter to some degree by virtue of being engaged in discussions with Councillor Fielding concerned with discussions which had the effect of preventing matters being discussed at the Parish Council but, on balance **I find this allegation not proven in respect of Councillor Jolley.**

9. **Witness Statements and Enclosures**

9.1. Original Complaint and Conduct Committee Papers

9.2. Code of Conduct

9.3. Attached Statements of:

- Councillor Emery;
- Councillor Jolley;
- Councillor Fielding;
- Councillor Archer; and
- Mr Savage.

9.4. Press article from Cambridgeshire Times.

Enclosure 9.1

1. BACKGROUND/INTRODUCTION

Councillor Archer submitted a complaint about the conduct of Councillor Jolley and Councillor Emery on 11th September.

Councillor Jolley and Councillor Emery have been provided with the above complaint and offered the opportunity to respond; their responses are attached.

Councillor Archer also provided correspondence from Councillor Fielding; this is attached.

2. CONSIDERATIONS

Members must consider the complaint against the member code of conduct.

Members must consider whether or not there is a reasonable prospect of the complaint being proven based on the information held. In considering this members are to be aware of the fact that should an investigation occur further evidence or detail can be sought.

Members are advised that where a complaint contains a number of elements they may choose to consider each element separately or take the whole complaint together.

Where members consider that there is a reasonable prospect that a breach of the code of conduct has occurred they should give consideration as to whether or not there should be an investigation of the complaint.

Members should consider the following points in determining whether an investigation should occur:

- Has the Complaint already been investigated, or is it already the subject of investigation?
- Is the Complaint more appropriately dealt with through another regulatory channel?
- Is the complaint about something which happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial to warrant further action?
- Does the complaint appear to be malicious or simply tit for tat?

Where members consider that an investigation is appropriate the Monitoring Officer will be asked to make suitable arrangements for such an investigation. Members are asked to give any particular comments on the scope or direction of the investigation.

If members do not consider that there is a potential breach of the code of conduct or that there is no reasonable prospect of any breach being disclosed or that the complaint does not merit further investigation then no further action is taken in respect of the complaint save for notifying the member and the complainant,

| | |
|--------------------------|--|
| AGENDA ITEM NO. 7 | |
| Conduct Committee | |
| Date | 7 November 2013 |
| Title | Member Conduct Complaint – Councillor Jolley and Councillor Emery |

1. PURPOSE/SUMMARY

To consider a complaint under the member code of Conduct against Councillor Jolley and Councillor Emery of Manea Parish Council.

- 2. KEY ISSUES**
- A complaint has been raised by Councillor Archer, about the Conduct of Councillor Jolley and Councillor Emery.
 - Councillor Jolley and Councillor Emery have been offered the opportunity to provide an initial written response to the complaint; these are attached.
 - The Conduct Committee is asked to consider the complaints and determine if they disclose a likely breach of the member code of conduct.

3. RECOMMENDATION(S)

Members consider the complaints and responses and determine the initial consideration of the complaints.

| | |
|--|--|
| Wards Affected | All |
| Forward Plan Reference No. (if applicable) | NA |
| Portfolio Holder(s) | |
| Report Originator | Alan Pain, Corporate Director and Monitoring Officer |
| Contact Officer(s) | Alan Pain, Corporate Director and Monitoring Officer Tom Lewis, Principle Solicitor and Deputy Monitoring Officer |
| Background Paper(s) | |

From: Mark Archer <MarkArcher@IndustrialIJ.com>
Sent: 11 September 2013 08:51
To: Alan Pain
Cc: Paul Medd
Subject: Member Conduct Complaint

Dear Alan

Could you please use the red highlighted section of the e-mail below to form the basis of my conduct complaint against Cllr's Emery and Jolley.

Both Cllr's have been aware of the unauthorized dwelling constructed on the land owned by Mr Savage and have deliberately attempted to cover this up and deter another Cllr, namely Cllr Alan Fielding from reporting the building to Planning Enforcement .

Prior to the start July's Parish Council meeting, Cllr Fielding had intended to report this unlawful dwelling to the council. Cllr's Emery and Jolley were aware of this, and before the meeting started took Cllr Fielding to one side (they actually took him into the Village Hall kitchen) and warned him about the consequences of his proposed actions. They told him to keep quite as Mr Savage 'knew too much' about the council's business and could cause a lot of trouble for us. I have no idea what this meant but what they said and the manner in which it was said was enough to deter Cllr Fielding from reporting the unlawful building at that time.

Since that time Cllr Fielding has had a number of intimidating encounters with Mr Savage, with threats of violence if he involved himself in this issue and he has had a visit from Cllr Jolley reiterating his advice to keep quiet about the matter.

Cllr Fielding was also seen talking to me on one occasion in our local public house, The Rose and Crown, and Cllr Jolley warned Cllr Fielding about talking to me in public about this issue.

Cllr Fielding has subsequently reported these matters to me, which is why I am now making this complaint.

The actions of Cllr's Emery and Jolley are improper, to my mind illegal and are not becoming of someone holding any public office.

I believe their actions have damaged the reputation of Manea Parish Council and Cllr Jolley's actions have brought the reputation of Fenland District Council into disrepute.

Both Cllr Fielding and myself will be very happy to answer any further questions you may have regarding this complaint.

Best Regards
Cllr Mark Archer
Manea Parish Council
Fenland District Council

From: Mark Archer
Sent: 04 September 2013 15:19
To: 'planningenforcement@fenland.gov.uk'
Cc: 'AlanPain@fenland.gov.uk'; 'paulmed@fenland.gov.uk'
Subject: Unlawfull Building in Manea

FAO Heidi Wedge

Hi Heidi

As per our conversation earlier I am just putting in writing my request for you to investigate reports of an unlawful dwelling that has been erected on land to the rear of The Old Dairy Yard in Manea.

A number of residents have reported this to myself and another Parish Councillor, Cllr Allan Fielding and we have both been to the site and can confirm there is what appears to be a permanent single storey dwelling located on this piece of land which is owned by a Mr Tommy Savage.

To my knowledge no planning permission for this building has been granted by FDC.

[REDACTED]

I intend to bring this to the public's attention very shortly, however I am aware that 10 days is the period allowed for your team to look into the matter and formulate a response, so I am happy to hold off until then.

Please contact me directly if you require any further information.

Regards
Mark

RECEIVED
18/09/13

1, Orchard Close,
Manea
March
Cambs
PE15 0JW
18th Sept 2013

Re: Code of Conduct Complaint.

Dear Mr Pain,

May I reply to Mr Archers complaint.

After reading the E-mail, I must say I do find the whole complaint ludicrous.

The content of this complaint is all hearsay. On the night of the July meeting Councillor Fielding approached me before the start of the Parish Council meeting, saying he had received a complaint from "a customer" relating to Mr Savage apparently building a dwelling without permission. I informed Mr Fielding to ask the complainant to put this information in writing to either the P.C or directly to the planning office at F.D.C. At this point Councillor Golley joined us and repeated my comments. Present in the room, including myself and Mr Golley were four other councillors, making a total of seven, a number of residents from Charlemont Estate who were there for the open forum along with our clerk, Mr Terry Jordan, and District Councillor Dave Conner.

At no point did we leave the room and go into the kitchen, and I certainly made no comment about Mr Savage "knowing all about the Parish Councils business". As a council, we have always prided ourselves on openness and honesty.

As already stated by Mr Archer himself, a conversation was held in the Village Public House, where both councillors were overheard making derogatory comments about other members of the Parish Council, and I do believe this complaint is part of a witch hunt to discredit myself and councillor Jolley. This comes from a councillor who has only attended one meeting in the last five, and that was last Monday 16th September.

I also feel that Mr Archer's conduct in this matter is questionable as both he and Councillor Fielding have history with Mr Savage. Mr Archer shows no respect to fellow councillors, be they Parish or District, and is very hostile to anyone who has a different point of view from him.

I am a Manea man, born and bred, and I have been a member of Manea Parish Council for nearly 30 years, and I pride myself on doing the very best I can for my village, along with my fellow councillors, and would never do anything to bring our council into disrepute.

Yours Sincerely

[Signature]

From: Mark Archer <MarkArcher@IndustrialIJ.com>
Sent: 10 October 2013 11:35
To: Alan Pain
Subject: FW: complaint

Hi Alan

As promised a brief e-mail from Cllr Fielding regarding my complaints about the conduct of Cllr Jolley and Emery.

Best Regards
Mark Archer

From: Alan @ A.FieldingLtd [mailto:admin@afieldingLtd.co.uk]
Sent: 10 October 2013 11:20
To: Mark Archer
Subject: complaint

Hello Mark,

With regards to the complaints you have made about Cllr's Emery and Jolley, I would just like to say that I fully support your complaints and will stand by the claims that I made to you which prompted your action in the first place.

You have explained to me the nature of the two Cllr's responses to your complaint and I believe these to be a pack of lies and that there has obviously been some level of collusion in their replies.

I would like to correct some of the factual information you have reported though.

In your complaint you may have misunderstood which meeting I was referring to that these events took place. It was not before the July Parish council meeting but before the Parish Annual Assembly that the discussion in the kitchen took place. As it was the annual assembly we had prepared for hot drinks to be available for any members of the public that attended.

I was approached by Cllr Emery before the meeting and then Cllr Jolley contacted me via telephone and told me that we need to have a meeting before the council meeting in the kitchen in the village hall, to discuss the matter of Mr Savage and his new building.

All the other facts you have reported are a true representation of the events as they occurred.

Kind regards

Councillor Fielding

A.Fielding

From: popjolley <popjolley@aol.com>
Sent: 17 September 2013 11:38
To: Alan Pain
Subject: Re: FW: Member Conduct Complaint

Morning Alan

My response to conduct allegations.

1. Firstly I can categorically state that I did not at any time know that Mr.Savage was living in an unauthorised building.

2. At July Parish Council meeting Cllr Fielding asked the chairman the procedure in reporting an unauthorised building. Cllr Emery called me over and he stated that he did not have to bring it to the Parish Council but could report it himself or get the complainant to do so. At no time did we go into the kitchen area. I am sure this can be confirmed by the Clerk and the remaining Parish Councillors.

3. I called at Cllr Fieldings business to order some lawnmower parts. Mr.Fielding again mentioned about Mr.Savage and again I reiterated that he could report it himself.

4. On another occasion the drinking with Cllr Archer was mentioned but at no time did I suggest he should not be seen with Cllr Archer.

Finally I have not received one complaint about Mr. Savage living in an authorised building. If I had received a complaint I would have acted on it immediately. This is completely all hearsay and I feel this a witch-hunt to try to embarrass me as Cllr Archer has a personal grievance against me for some unknown reason.

Yours sincerely

Paul Jolley
Manea Parish Councillor

In a message dated 09/11/13 14:29:09 GMT Daylight Time, AlanPain@fenland.gov.uk writes:

Dear Cllr Jolley

As discussed, we have received the complaint below from Cllr Archer. As per our Conduct procedure, please may I ask you to consider the points raised and if you wish to do so, to provide any initial thoughts or response back to me within the next 7 days.

At this stage we are still very much at the point of trying to see if the issues can be resolved informally, and I would therefore give Cllr Archer the opportunity to respond to any points that you may wish to put forward, with an informal outcome in mind.

If an informal resolution is not possible then the complaint would go forward to the Conduct Committee for their initial consideration.

As you may be aware, the Council has also appointed an Independent person, Ann Hay, with whom you may wish to discuss the matter at any stage. Please let me know if you would like me to forward her contact details to you. Also, please do feel free to contact me if I can provide any further assistance in terms of the next steps.

Regards,

Alan

Alan Pain
Corporate Director
Fenland District Council
Tel: 01354 622302
Mob: 07545 419149
alanpain@fenland.gov.uk

Our mission as a Council 'To improve quality of life for people living in Fenland'

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Since that time Cllr Fielding has had a number of intimidating encounters with Mr Savage, with threats of violence if he involved himself in this issue and he has had a visit from Cllr Jolley reiterating his advice to keep quiet about the matter.

Cllr Fielding was also seen talking to me on one occasion in our local public house, The Rose and Crown, and Cllr Jolley warned Cllr Fielding about talking to me in public about this issue.

Cllr Fielding has subsequently reported these matters to me, which is why I am now making this complaint.

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Fenland District Council

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FAO Heidi Wedge

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[REDACTED]

I intend to bring this to the public's attention very shortly, however I am aware that 10 days is the period allowed for your team to look into the matter and formulate a response, so I am happy to hold off until then.

Please contact me directly if you require any further information.

Regards
Mark

From: Mark Archer [<mailto:MarkArcher@IndustrialIJ.com>]
Sent: 07 November 2013 09:54
To: Alan Pain
Subject: RE: Conduct complaint, Cllrs Emery and Jolley

Hi Alan

I hope this response reaches you in time to distribute it to members of the Conduct Committee. I apologise for the lateness of this response but I have been extremely busy working abroad, and have also had some family matters to attend to in the intervening period.

I would just like to make some comments both Cllr Emery and Cllr Jolley's reply's.

A) Cllr Jolley

1) Cllr Jolley repeatedly makes reference to my assertion that he knew Mr Savage was living in an 'unauthorised dwelling'. This is not the case as nowhere in my complaint do I make any reference to who is living in the building. In fact neither Cllr Fielding nor myself have any idea who or if anyone is living there. My complaint is dealing with the fact that both he and Cllr Emery knew of the buildings existence, what they did or didn't do about it, and their subsequent actions to try and dissuade Cllr Fielding from formally bringing it to the attention of the Parish Council.

2) Cllr Jolley is also accusing me of conducting a 'Witch Hunt' against him. This is completely untrue. I have simply responded to a complaint Cllr Fielding made to me expressing concerns about Cllr Emery and Cllr Jolley's actions over this matter and the numerous complaints from residents about the unauthorised building and the Parish Councils apparent lack of action.

I have simply done what all the Councillors concerned should have done. Checked the validity of the reports about the buildings existence and then reported the matter to our Planning Authorities.

I have no issue with Mr Savage and the legality of his building will be dealt with in due course through the normal planning processes.

I have then expressed my concerns about members conduct to this committee.

Cllr Fielding has subsequently corrected some errors I made regarding meeting dates (as Cllr Jolley correctly points out that I was not present at the time) and he fully stands by the content of his accusations. It should also be noted that over the years both Cllr Jolley and Cllr Emery have maintained close business associations with Mr Savage, I have no idea if that is still the case.

B) Cllr Emery

1) Cllr Emery's response seems to take the form of a personal attack on myself and does not really deal with the nature of Cllr Fielding's and my complaint.

There is a direct contradiction between Cllr Emery's recollection of the events and that of Cllr Fielding. Cllr Fielding also states that the conversation in the kitchen took place before the meeting started and therefore those other people later present would not have witnessed these events.

Cllr Fielding has corrected the information about the meeting dates and fully stands by his accusations.

2) Cllr Emery's statement also refers to a 'history' that Cllr Fielding have with Mr Savage. This is a complete Red Herring intended to mislead the committee and should be treated as such.

I have always maintained a very good relationship with Mr Savage, having worked with him on the Gala Committee for a number of years and as far as I know we are still on friendly terms.

It is in fact a matter of public record that I have supported Mr Savage with one of his previous planning applications and also accompanied him and his wife to a Licencing Committee hearing and spoke on their behalf. So the only 'history' I have with Mr Savage is a good, normal, friendly relationship.

- 3) As I have stated in my comments above it is common knowledge that both Cllr Emery and Cllr Jolley have had very close business links with Mr Savage and it is the nature of their response to the reports of Mr Savages potentially unlawful building, and their attempts to dissuade Cllr Fielding from formally reporting the matter to the Parish Council, that form the basis of my conduct complaint. My behaviour as a Cllr or my attendance record at meetings are simply intended to distract the committee from the true nature of this complaint.

Best Regards
Mark Archer

From: Alan Pain [<mailto:AlanPain@fenland.gov.uk>]
Sent: 25 September 2013 13:16
To: Mark (Cllr) Archer; Mark Archer
Subject: Conduct complaint, Cllrs Emery and Jolley

Dear Cllr Archer

Following your recent complaint with respect to Cllrs Emery and Jolley, I have now received initial responses to the points raised from both members.

In keeping with our Conduct procedure, we are still at the stage of seeking an informal resolution if possible. With this in mind, could I ask you to review the responses (attached) and come back to me with your thoughts. It would be helpful if you are able to do this within the next 7 days.

As always, please do feel free to contact me at any point to discuss any matters,

Regards,

Alan

Alan Pain
Corporate Director
Fenland District Council
Tel: 01354 622302
Mob: 07545 419149
alanpain@fenland.gov.uk

Our mission as a Council 'To improve quality of life for people living in Fenland'

From: Mark Archer [mailto:MarkArcher@Industrial1.com]
Sent: 07 November 2013 11:47
To: Alan Pain
Subject: RE: Conduct complaints

Hi Alan

As with my previous e-mail, apologies for the late response and I hope this is still in time to be distributed to committee members.

I will fully understand if it is too late for consideration.

I will deal with each complaint in order below:-

A) Complaint by Cllr Woodard

- 1) I have always considered that Cllr Woodard and myself have had a very good and friendly working relationship.

I supported his candidacy become a Cllr, voted for him and we even helped each other's campaigns at previous elections by placing posters in each other's front gardens.

I have also supported many of Cllr Woodard's proposals at council meetings even when other Cllrs were dismissive of them. To say I am surprised by this complaint would be an understatement but I believe it is down to a misunderstanding about the meaning of a very brief conversation between us after the council meeting in question. I hope this understanding can be cleared up and we can resume our previously good relationship.

- 2) The events that took place are exactly as Cllr Woodard described. I did stop my car and wound down my window and there was a brief conversation between us, with Cllr Woodard's wife present. I asked Cllr Woodard if he knew of or had heard about an unlawful dwelling built by Mr Savage, when he replied that he didn't I informed him of the complaints I had submitted against Cllr's Emery and Jolley. I told him that there would probably be some 'Flack' flying about and that it would be better if he kept his head down. Or words to that effect. It was simply meant as a friendly 'Heads Up' to a fellow Cllr and not intended as any form of threat.
- 3) I am sorry if my words or the nature in which they were delivered in were misinterpreted as a threat but that certainly was not the intent and I hope myself and Cllr Woodard can resume our formerly friendly working relationship.
- 4) With regards to the second section of Cllr Woodard's complaint about the atmosphere at the September meeting, I don't think he was aware at the time that I had already submitted my complaints about Cllr Emery and Cllr Jolley. Those two Cllrs were aware, and yes, the atmosphere was quite tense from the very start.
- 5) Cllr Fielding has already reaffirmed his recollection of the events and corrected the meeting dates and I have already stated that I was not present when these events allegedly took place. (I am a little surprised that Cllr Woodard has seen the contents of my complaints as I thought they were confidential)
- 6) With regards to the agenda item Cllr Woodard refers to, this was an official item which, following the correct formal procedures, I had asked the clerk to include in the meetings proceedings. I wanted the council to look again at a decision they had previously taken and when this item was due to be discussed I was hoping for a chance to make my case for a review of that decision. Unfortunately, and bearing in mind the fact that Cllr Emery was aware of the complaint I made against him, every attempt I made to express my point of view, I was either cut off by Cllr Emery or Cllr Emery allowed other Cllrs to interrupt me. It was quite frustrating to say the least and I would imagine the atmosphere was more tense than usual. It is my view that I am on the council because I have an opinion, I

have a right to express it and expressing that opinion is not being argumentative or disrespectful. I strongly felt that my right to express myself was being constrained by the chairman and that this was mainly due to his knowledge of my complaint against him.

B) Complaint by Cllr Jolley

1) Firstly I believe this is simply a 'tit for tat' complaint in response to the earlier complaint I have made against Cllr Jolley. I am not sure of the date of my Tweet, which is in the public domain and therefore I would not dispute, but it was prior to the events relating to the complaint about Cllr Jolley's conduct. Why did Cllr Jolley not make a complaint at the time?

2) The content of the tweet is an expression of the views I received from members of my ward relating to the low key promotion of the consultation event. I am the ward councillor and I did not know it was taking place. People living in the vicinity of the development did not know it was taking place and I believe the event itself was very poorly attended. The feeling expressed to me by my residents was that only those people with a close association to Cllr Jolley attended.

3) The normal procedure within our community is to place notices about public events in all the prominent locations around the village. Residents know where to look to find this information. The Parish Council Notice Board outside the school, the local shops, the Village Hall Notice Board, the Surgery Notice Board, The Public Notice board in Park Road, the Public House, the Café, The British Legion Notice Board are all places this information is normally published. This was not the case with Cllr Jolley's development. I am sure his agent did just meet the minimum legal requirements but the vast majority of residents in the village were unaware of this event taking place.

4) My comments on twitter were a slightly tongue in cheek reflection of my view and the view of my residents on how this public consultation was conducted.

5) My other comment relating to the timing of the consultation was fact. The consultation did take place after the application had been formally submitted and was only done so on the assistance of the Planning Authority.

6) I do not believe my comments bring either the District or Parish Council into disrepute and were certainly not intended in that manner. They do however reflect my residents and my dissatisfaction over how this large scale planning application was dealt with.

C) Complaint by Cllr Emery

1) Once again, as with Cllr Jolley's complaint I believe this is simply a 'tit for tat' response to my earlier complaint about Cllr Emery's conduct.

2) As I have previously described, by the time events relating to this complaint took place, Cllr Emery was already aware of the complaint I had submitted about his conduct. From the very start of the meeting it was apparent there was an 'atmosphere'. I am not sure if all the other council members had been made aware of my complaints but the mood of the council did seem tense.

3) Cllr Emery was abrupt with me throughout the meeting and when it came for the agenda item I had officially included to be debated, Cllr Emery appeared to do all he could to prevent me from expressing my opinion on the matter. It was not an item of 'Any Other Business' or a last minute inclusion to the meeting but a formal agenda item.

4) Many members will know that I am a councillor with strong opinions with a great belief that as councillors we have a right to have those opinions heard. Unless policies and decisions are vigorously debated I do

not believe we are the best job possible for our residents. I do not believe that engaging in vigorous debate is being in any way argumentative or disrespectful. One should be able to fully express an opinion and then let the group collectively come to a considered decision. If Cllr Emery thinks vigorous debate is argument, then it is my view that he is not the right person the Chair Manea Parish Council.

- 5) Once again I would state that this is simply a 'tit for tat' complaint from Cllr Emery and that his view of my attitude during the September meeting or my conduct in general has been clouded by his anger due to my initial complaint against him.

Best Regards
Mark Archer

Enclosure 9.2

CODE 1 CODE OF CONDUCT FOR MEMBERS¹

Part 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –

"meeting" means any meeting of –
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
"member" includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55 (12) of the Local Government Act 2000.

¹ Amended 17 May 2007

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you –
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4) this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you convicted after that date).
- (5) Where you act as a representative of your authority –
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) On any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

3. (1) You must treat others with respect.
- (2) You must not –
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

In relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

- (d) do anything which compromises or is likely to compromise the impartiality of those how work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4 You must not –

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

- 6 You -
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority-
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7 (1) When reaching your decisions on any matter you must have regard to any relevant advice provided to you by-
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- Where that officer is acting pursuant to his or her statutory duties
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal Interests

8. (1) You have a personal interest in any business of your authority where either-
- (a) relates to or is likely to affect-
 - (i) any body of which you are a member of in a position of general control or management and to which you are appointed or nominated by your authority:
 - (ii) any body-
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or

- (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties.
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interest of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant.
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of-
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

- (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is-

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii)

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to that meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

- (6) Subject to paragraph 12 (1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 [16].

Prejudicial interest generally

- 10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business-
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of-
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where-
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12** (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority-
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held-
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the purposes, whether under a statutory right or otherwise.

Part 3

Registration of Members' interests

Registration of members' interests

- 13 (1) Subject to paragraph 14, you must, within 28 days of-
- (a) this Code being adopted by or applied to your authority;
or
 - (b) your election or appointment to office (where that is later).

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of-becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

- 14 (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notifying your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Enclosure 9.3

COMMENTS FROM COUNCILLOR EMERY

Mr Emery has been with the Parish Council for 30 years and Chairman since the year 2000. He has served with Councillor Archer for a number of years, but has only known Councillor Fielding for about 12 months since he joined the Parish Council. Councillor Archer was not at the July meeting of the Parish Council that had been called into question by the complaint. He was not aware of the fact that a complaint was being made against him until he received formal notice of it. He queried why this should be the case if there was a problem with regard to the comments of the Parish Council and why the complaint was not made by Councillor Fielding himself. This made the comments hearsay which meant, in his view they had to be treated with some doubt.

At no time was the issue with regard to an alleged unauthorised development carried out by Mr Savage formally raised by any member at the Parish Council and as far as he knew it had not been raised with the Clerk and put on the agenda.

Councillor Emery does recall that at the Parish Council meeting in July Councillor Fielding arrived slightly early, at approximately 6:50pm and raised the issue informally with members who were already there (including himself and Councillor Jolley) in terms of how a complaint of this nature with regard to the activities of Mr Savage should be dealt with. Councillor Emery's recollection is that he said it was important to put the complaint down in writing, sending it to the Parish Council and / or to Fenland District Council who could consider appropriate enforcement action. At no point did any conversation take place in the kitchen. The meeting took place with at least two County Councillors in attendance and they could be asked about their recollection of the situation.

Councillor Emery stated that Parish Council meetings took place always in the open and nothing was done "*behind closed doors*".

Councillor Emery wanted it to be made clear that the suggested "*unauthorised development*" in fact, as he understood it, related to a shed or log cabin which had been allegedly converted by Mr Savage to living accommodation rather than an unauthorised building.

Mr Savage is known to Councillor Emery as a builder and general contractor who has done some minor works for the Parish Council from time to time.

Councillor Emery found the complaint ridiculous after the 30 years of service that he had made and this was not the first complaint made against him by Councillor Archer, who, in his opinion had a personal agenda against him. Generally, relations with Councillors Archer and Fielding were "*business like*" in meetings.

Councillor Emery understood from an article in the Cambridgeshire Times that the Fenland District Council's Enforcement Officer had visited the site and has given Mr Savage time to put in a retrospective planning application. No application has not come before the Parish Council for consideration.

Councillor Emery is aware of suggestions that he released an early copy of the report to Fenland's Conduct Committee to Mr Savage. He strongly refutes this.

SUPPLEMENTAL COMMENTS OF COUNCILLOR EMERY

Shortly before finalising this report, Councillor Emery has provided additional comments as summarised below:

1. Councillor Emery finds statements made by Councillor Archer and Councillor Fielding to be inconsistent.
2. Councillor Emery advises that he never telephoned Councillor Fielding concerning this matter. On the evening when the alleged call takes place, he states that there was a meeting at The Pit at 6:00pm that evening to discuss maintenance issues at which Councillor Fielding, along with other Parish Councillors attended. He queries why he could have been alleged to have called Councillor Fielding when he was already in his company. Councillor Emery then moved to the Village Hall where Councillor Fielding approached him and asked what the Parish Council procedure was on reporting complaints.
3. Councillor Emery states that with regard to the allegation by Councillor Fielding that he asked Mrs Emery to move from the kitchen was not true, no refreshments were served that evening in any event.
4. With regard to the comments made by Councillor Fielding concerning Mr Savage putting a brick skin on front of the shed, he states that he understands this to be untrue as the building is a log cabin.
5. With regard to the conclusions made, he states that at no time has Councillor Fielding, or any other Councillor ever been discouraged from enforcing any planning or other issues. Councillor Fielding asked Councillor Emery what the correct procedure was in reporting a planning issue and he was duly informed. Councillor Fielding never asked for the

matter to be discussed at a meeting and has never asked for it to be put on the agenda as the Clerk would confirm. In accordance with usual practice, at the end of every meeting the Clerk asked for any individual items for the next agenda. All Councillors have the opportunity to bring items forward and Councillor Fielding never asked this matter to be reported which he is quite entitled to do.

6. Councillor Fielding asked the advice of not one, but three people, ie Councillors Emery and Jolley and the Parish Clerk. He still did nothing.
7. Councillor Emery disagrees with the findings that he was disrespectful to Councillor Fielding on any occasion or that he has brought the Council into disrepute and would feel that such a finding would be unfair on him. He states that he has never used his position to prevent an issue from coming forward, he has always prided himself on being an open and honest member and continuing to act in the best interests of the community. He believes that he acted both pragmatically and respectfully. He states that no Councillors have been approached by any other parishioner concerning this matter. He comments that it does seem strange that the only Councillor with a personal issue in this matter is the one to have been approached.
8. Councillor Emery has clarified that he is himself a self-employed building worker who has in the past being employed by Mr Savage but has done no work for him since October 2003 and finds the insinuations made distasteful. He feels that Councillors should be able to serve their Parish and not to use their role as a platform to influence decisions of personal self-promotion.

COMMENTS OF COUNCILLOR JOLLEY

Councillor Jolley is a District Councillor and has been a member of Manea Parish Council for 10 years.

From his recollection, issues have been raised by Councillor Archer and Councillor Fielding relating to Mr Savage from time to time, but never formally within Council meetings. When the issue had been raised, his response had always been that if a matter was to be dealt with it should be put in writing in order that appropriate action could be taken by either the Parish Council or District Council. He was not aware of any complaint that the matter had not been dealt with by the Parish Council if it was reported properly in accordance with normal requirements. He denies having any conversation at all with Councillor Fielding on this matter.

Councillor Jolley remembered that Councillor Fielding turned up before the meeting of the Parish Council in July 2013 and stated that he had an issue with regard to Mr Savage's alleged breach of planning regulations and asked how to deal with it. Councillor Jolley recalls that Councillor Emery stated that it should be put in writing and reported to the District Council who could take any enforcement action and / or investigate the matter. At the time, Councillor Archer was not in the room and he did not think that he was in a position to have overheard it. He understood that the matter had now been reported although he had not seen any papers about it from either the Parish Council or District Council.

Councillor Jolley could not understand why Councillor Archer had taken so long to refer the matter on given that, allegedly the incident concerned arose in July 2013 (the matter was reported in September 2013). He questions whether the alleged email from Councillor Fielding to Councillor Archer of 10 October 2013 is a "real" one.

Councillor Jolley strongly refutes that any private conversation took place with Councillor Fielding, that any meeting took place in the Village Hall Kitchen or that any threats were made. Certainly nothing along the lines of "*keep quiet about Mr Savage as he knows too much*" were made, and Councillor Jolley is not aware of any reason that Mr Savage could, as may have been suggested "*cause trouble*" for the Parish Council. Although Mr Savage is known to a number of Councillors and has undertaken some small-scale work as a building contractor and general odd job person, he is not aware of any particular issues which might cause any suggestion that he had undue knowledge of Council affairs. Councillor Jolley is aware of allegations that he has sought to keep matters quiet because of his business relationship with Mr Savage, but would state that although Mr Savage has done work for Mr Jolley's company in the past, he has done no work for it over the past 3 years and would not allow any historic relationship to affect his treatment of Council matters.

Councillor Jolley does have some concerns over Councillor Sutton, whose role has been mentioned and his role on the Standards Committee. He understood that he had a telephone conversation with Councillor Coles and had had a conversation with Councillor Emery at a recent boxing tournament. He believes that Councillor Sutton should not be speaking to anyone involved in the complaint whilst it is ongoing.

Councillor Jolley is aware of suggestions that he released an early copy of the report to Fenland's Conduct Committee to Mr Savage. He strongly refutes this.

COMMENTS OF COUNCILLOR FIELDING

Mr Fielding has been a Councillor with Manea Parish Council for some 12 months.

Mr Fielding should stress that he is a comparatively "*new boy*" and was not as aware on some of the issues such as complaints as more established Parish Council Members. Councillor Fielding runs the local village shop, which is a very small unit but in the course of his business and speaking with residents has noted a number of people complaining over the fact that Mr Savage had apparently, following the closure of his business converted a wooden shed to a brick faced unit which he was now living in as he had rented out his other property. He referred to recent articles in the Cambridgeshire Times. Due to these concerns, he approached Councillor Emery as Parish Council Chair. They had a telephone conversation in July shortly before they were due to have a Parish Council Meeting at which point he was told by Councillor Emery words to the effect that he should not "*rock the boat*". He understood that Mr Savage knew certain things about the Council which could be embarrassing to Members. He did not know what they were. Councillor Fielding found this frustrating as he regarded it as his role to represent people and if the population of the village felt that the Parish Council was not doing anything it would not help the Parish Council's reputation.

After speaking to Councillor Emery on the telephone on or about the day of the Parish Council Meeting, he had a further call from Councillor Jolley making similar comments to Councillor Emery, ie that Councillor Fielding should not raise these issues. It was agreed however to meet a few minutes before the July Parish Council Meeting. When he arrived, Councillor Emery and Councillor Jolley were in attendance. They moved to the village hall kitchen, Councillor Emery asking his wife (who was preparing tea for the Parish Council Meeting) to leave the room. At that point, Councillor Fielding was told by Councillor Emery to keep quiet because Mr Savage "*knew things*". These comments were not made in a threatening manner. Councillor Fielding's reaction was that he felt it was best to keep quiet but felt somewhat "*jaded*" at being informed in these terms and disappointed.

Subsequently, some weeks later he was discussing a number of matters with Councillor Archer when Councillor Fielding indicated that he had been told to keep quiet. Councillor Archer said this was wrong, this was not the way that Council business should be conducted and he offered to raise the issue further, both in terms of a complaint to Planning Enforcement at Fenland District Council but also to make a complaint over the conduct of Messrs Emery and Jolley. This would be why both complaints were made approximately at the same time.

Councillor Fielding believes it is important that Mr Savage has done work for the Parish Council but also undertakes various ground works for Councillor Jolley who owns a property development company. Councillor Emery has worked for Mr Savage in the past.

Councillor Fielding referred to comments made by Mr Savage which were summarised to him. He noted that he had been accused of running Mr Savage's business by having a small shop which sells plants, fruit and vegetables. He regarded this as being unrealistic, as Mr Savage's shop sold a wide-range of items including food, alcoholic drinks and newspapers. His view was that Mr Savage's business failed without this having any connection with what Councillor Fielding was doing. His business is so small that it has a rateable valuation of zero. Councillor Fielding did add that following a request which he made, his premises were assessed for rates some years ago and a further visit from the Valuation Office happened recently.

Councillor Fielding added that the planning issue was not simply a question of living in a cabin but also putting a brick skin on the front of it making it more of a permanent property. It was understood that this would be the third time that Mr Savage had turned a property into a dwelling house or had built a property without planning permission over the last few years.

He was aware that Mr Savage was unhappy with Councillor Fielding. On one recent occasion, Mr Savage waited for him outside the pub and then was abusive towards him. He has also driven by and wound down his window and shouted at Councillor Fielding. With regard to a comment that Councillor Fielding has not seen the site, he said that he did inspect the site with Councillor Archer.

COMMENTS OF COUNCILLOR MARK ARCHER

Councillor Archer has been on Manea Parish Council since 2004. He was initially co-opted on to it as a well-known member of the community. He has previously been Chairman of the Recreation Sub-Committee and had once been a candidate for the role of Chair.

Generally, his relationship with Councillor Emery and Councillor Jolley has been a good one (and despite some personal differences over the years has always maintained a very workman like relationship. He has even nominated and voted for Councillor Emery to continue as Chairman of the Council on the last two occasions when the position was up for re-election.

His memory of the matter relating to Mr Savage is that some 3 or 4 weeks before he made a report to the Enforcement Officer at Fenland District Council (ie in early August 2013) he received a call from Councillor Fielding. Councillor Fielding told Councillor Archer that prior to the Annual Parish Meeting in April (he thinks that his initial reference in his complaint to the July meeting made in correspondence was incorrect) Councillor Fielding had been contacted by a number of local residents expressing concern over Mr Savage building / adapting a stable block at the property as a residence without planning permission.

Councillor Fielding wished to raise the issue at the Annual Parish Meeting, but informed Councillor Archer that he had been called into the village hall kitchen by Councillors Emery and Jolley. At this point, and prior to the meeting, he was told that he should keep quiet on the matter as Mr Savage *"knew too much about the Council's business and could cause some trouble for it"*. His understanding of this is that it related to the fact that Mr Savage had undertaken various contracting works for the Parish Council. Even when a closed tender bid arrangement was being used for Council work, Mr Savage always seemed to be able to produce a price slightly lower than other bidders. Councillor Archer is also aware that Mr Savage has worked for Councillor Jolley's Property Development Company and Councillor Emery has worked for Mr Savage in the past. In fact Mr Savage has always had close personal and business links to a number of Parish Councillors and the common perception within the community is that he benefits from these relationships and receives 'special treatment' as a result of them.

Councillor Archer was concerned by the reported behaviour. The Parish Council are the local authority for the area and people need to be able to respect it. It has a responsibility to take appropriate action. In the opinion of Councillor Archer, even though Fenland District Council are the Planning authority, and even if Councillors Emery and Jolley did tell Councillor Fielding to report the matter to FDC, Councillor Fielding should not have been prevented or dissuaded from bringing this matter formally to the attention of the Parish Council. Members of the community

would be present and some of those residents could have been the same residents that had reported the matter to Councillor Fielding.

After the matter was reported to Councillor Archer, he walked along a bridleway near to the property concerned and took some photos. It appeared to him that the stable block had been converted and, what had previously been a wooden building was now faced with brick. It was understood within the village that Mr Savage was living in the stable block.

Mr Savage has now confirmed he is living in the building.

A report was made directly to Heidi Wedge at Fenland District Council Planning Enforcement (see copy email MA1). At approximately the same time, Councillor Archer made a report concerning the conduct of Councillors Emery and Jolley to Alan Paine, the Monitoring Officer at Fenland District Council (see enclosure MA2). The matter was not reported to the Parish Council by him formally at the time, as he thought there would be no point as steps had already been made to prevent it from being reported. I also thought it would be improper and inappropriate to discuss the matter with the Parish Council as the matter was by now under investigation by the Conduct Committee at FDC.

Councillor Archer now understands from Heidi Wedge and Bill Tilley in Enforcement that Fenland District Council are now investigating this matter fully and it has been suggested that Mr Savage makes an application for retrospective planning permission.

Councillor Archer was also concerned that this matter had resulted in attempts to intimidate both him and Councillor Fielding. Very shortly after Councillor Fielding had the conversation with Councillors Emery and Jolley, Councillor Fielding was visited by Mr Savage, warning him to keep his nose out of his business. Councillor Archer wonders how Mr Savage even knew this conversation had taken place. Councillor Archer regularly plays pool at the local pub and, in November 2013 was confronted by Mr Savage who read out a copy of the complaint made concerning Councillor Emery and Councillor Jolley in a threatening and mocking tone, before it was a publicly available document. Councillor Archer's assumption was that this complaint was circulated by either Councillor Jolley or Councillor Emery. The threatening and mocking tones in which the report was being read would tend to bring the Council into disrepute in his opinion and also represents a gross breach of confidence. Councillor Archer feels that this was an attempt to intimidate Councillors against bringing matters forward even when they had been reported to them by members of the local electorate.

The next Parish Council Meeting after the complaint made in September was in October 2013. Councillor Emery was generally abrupt with Councillor Archer, although the complaint made was

not directly referred to. He has continued to act in a professional and workman like manner when dealing with Councillors Emery and Jolley, even though they are now openly hostile towards him.

Councillor Archer feels that both Councillors Emery and Jolley are unfit to be members of the Parish Council given their behaviour in this manner.

**STATEMENT BY
THOMAS ROBERT SAVAGE**

This Statement refers to the widely publicised alleged incident at the Rose and Crown Public House and the subsequent story in the Cambs Time.

I am Thomas Robert Savage of the Old Dairy Yard, Manea, I am proud of my heritage as an Ethnic Group Gypsy.

Approximately 4 years ago I received planning permission to change the use of an old engineering workshop in the High Street Manea, into a Village Shop and cafe. I spent a considerable amount of my saving in renovating the building to comply with full building regulations and environmental requirements. The business was very successful, selling goods and local produce to the people of Manea. The fruit and vegetables were a staple good profit earning product.

Approximately 15 months after I opened, Councillor Fielding set up a retail business selling fruit and vegetables, gardening equipment inc. Mowers, strimmers, chain saws etc. These goods were all on display on the High Street, he was working from the garage of his property, which he had converted into a shop.

He had no planning permission or building regulation approval, he was also not paying business rates.

I decided not to take matters into my own hands, I did consider reporting him to Fenland District Council, but decided not to as I was aware of Mr Fielding's close relationship with Councillor Mark Archer. I confronted Mr Fielding and asked him what he was doing trying to ruin my business, which ended up with him being humiliated as he could not give me an answer.

He continued to run his business, severely under cutting my prices, this was unfair as he had no overheads.

I ceased trading, as I could not compete with his low prices.

I did not enter into any more "school boy" banter.

However, not wanting to embarrass Fenland District Council, I have to expose the relationship between Councillor Archer and Mr Fielding as I was not happy with my name being on the front of the Cambs Times.

On 25th November I received a copy of an e-mail that had been made public; the content of the e-mail was not true. *(Copy attached).*

I decided to speak to Councillor Fielding, with the e-mail, I explained that they had sent to Fenland District Council by Councillor Mark Archer. I read the e-mail to Councillor Fielding, he remarked, *"The content is not true, and it needs amending"*. I said to Councillor Fielding, *"I knew it was not true, because you wouldn't have had the courage to come to my home"* He said that him and Mark had been in the field next door to your property, they had got as far as your field, I stopped but Mark carried on walking. Mark could not have got a view of my property as I am surrounded by sheds and 25ft high conifers.

The only way anyone could see into my property is to enter from the front gates and down a 500 metre drive.

That's why the Cambs Times photograph could not show my log cabin.

I informed Councillor Fielding that I wanted a witness to verify this e-mail and to ensure that he didn't change your mind.

He suggested David Cox, who is a well known person in the village, who is well liked and respected. I called David, David duly turned up. David agreed to act as a witness.

I read the e-mail to David, Councillor Fielding agreed that the e-mail needed amending. David Cox agreed to act as a witness and to make a statement if required. We parted after a friendly handshake. I gave Councillor Fielding 3 days to contact Fenland District Council and inform them that the e-mail was false.

Subsequently, the only person Councillor Fielding contacted was Mark Archer.

The next day, I took a phone call asking what had gone on in the Rose and Crown the night before, (Opposite where Councillor Fielding lives).

I queried the question, the caller said "I have just been on Twitter and it reads on John Elworthy's site, *CONFRONTATION IN THE ROSE AND CROWN PUB LAST NIGHT*".

I said that it was wrong, there had been no confrontation in the pub, it was outside Councillor Fielding's house.

It is obvious the it was Mark Archer who tweeted John Elworthy.

I visited the Rose and Crown and apologised to the landlord for the fact that his pub had been mentioned on twitter, his response was that no apology was needed; it should be Mark Archer who should apologise. I told him I didn't know what was going on, he said that Councillor Fielding was outside with David Cox, Mark Archer was also in the car park. They obviously concocted the story; I rang the Cambs Times to tell them that the story was untrue. *The tweet was removed.*

The landlord made it clear that he was very un-happy with the behaviour of Mark Archer and would be informing him of his displeasure. The landlord was concerned that his business could be damaged.

John Elworthy should have contacted the landlord to check the story.

When I gave Councillor Fielding 3 days to amend his e-mail, he refused to do so; I accused him of covering for Mark Archer. He cheekily advised me to buy some bales of straw, "to cover up your building".

I told him that I had nothing to hide, the Log Cabin had been in the yard since 2007, and it didn't need planning permission.

I decided to expose Mark Archer and Councillor Fielding as liars, so I rang the Cambs Times. They were to visit me on 30th November; I was to tell them about Councillor Fielding and his running of three businesses from his home. The websites prove it.

I really resent the way that they have conspired against me, and getting a story about me on the front of the Cambs Times. I have lost business because of their actions.

I have contacted David Cox, Councillor Fielding's chosen witness, he is willing to sign a statement, proving that Councillor Archer was lying.

The landlord has contacted the Cambs Times, and has told them that the story was untrue.

It seems to me strange that John Elworthy and Mark Archer should lunch together.

I must reiterate, I didn't want this and I apologise to Fenland District Council, but with one councillor closing my business and another telling lies.

What I am seeking is apologies from, Councillor Archer, Councillor Fielding and the Cambs Times. Councillors Fielding and Archer are unfit to hold public office.

Tom Savage

9th December 2013.

Enclosure 9.4

Santries out his new sleigh ahead of the Christmas lights switch-on.

Picture: STEVE WILLIAMS 252954113

SMALL PUPPETS' BEST MEMBERS
Trevor Quince, Beryl Peerman,
and Derek Rutter.

Builder faces action in log cabin dispute

A builder who escaped enforcement after three councillors testified to him living in a home built without planning permission for more than four years, is again facing action. Tommy Savage, a former chairman of Manes Gala and parish council contractor, was saved from enforcement action after evidence provided by Councillors Alan Melton, Pop Jolley and Mark Archer. But now Mr Savage, of the Old Dairy Yard, Westfield Road, has put a log cabin in his grounds and enforcement officers from Fenland District Council are again pursuing him. Bill Tilley, Fenland's enforcement officer, has visited the site and

John Elworthy
john.elworthy@sarchant.co.uk

confirmed the cabin requires permission but has delayed further action.

"Mr Savage has until the first week in January to have a valid application into the council," said Mr Tilley.

The issue has prompted a backlash in the village, with Fenland Council's conduct committee set to investigate claims by one councillor that two others wanted to turn a "blind eye" to the new structure while another claims to have been

"warned off" for reporting it.

The issue has caused a split at Penland Hall, with the conduct committee voting to call in an independent solicitor to investigate while the cabinet, in a secret session last Thursday, approved a cost-saving internal investigation.

Cllr Archer, who has made one of the complaints under investigation, received an e-mail last Thursday from corporate director Alan Pain explaining that solicitor Stephen Pearson, of Fresh Cartwright LLP, had been asked to undertake the inquiry.

Mr Pain said the inquiry would conclude whether or not a breach of

conduct had occurred and, if so, whether a conduct committee to discuss its findings would be needed.

"I have asked Stephen to undertake this work promptly so that the issues can be brought to a conclusion as soon as possible," wrote Mr Pain.

However, by Monday the council insisted that "we're still in the process of establishing exactly who will carry it out - that hasn't yet been decided".

Whoever carries out the investigation will face a growing number of claims and counter-claims in which Cllr Archer, a district and parish

Continued on Page 5

101 RUN
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Pages 2&3



Family is fighting back after horror crash

Page 21

Pet Shop

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PRICE PROMISE

■ The entrance to the Old Dairy Yard, in Manea and, right, Cllr Pop Jolley.



Builder in log cabin dispute

■ From Front Page
councillor and parish councillor Alan Fielding will provide evidence.

Cllr Archer insists that before the parish assembly in April, Cllr Fielding, who wanted an agenda item about the log cabin put on the public agenda, was spoken to by Cllr Jolley and parish council chairman Steve Emery "and warned about the consequences of his proposed action".

Cllr Archer reported to a preliminary conduct hearing this month that he felt the actions of both Cllr Emery and Cllr Jolley "are improper, to my mind illegal and not becoming of someone holding public office".

Cllr Archer said he had always "got on well" with Mr Savage and had no issues about supporting him in 2010.

The earlier threatened enforcement came after officers visited his home and told Mr Savage he would need planning permission for the home he had built.

In 2010, Mr Savage applied for a certificate of lawful use, a legitimate procedure to determine that the home could remain without threat of enforcement if he could prove he had lived there continuously for four years.

Mr Savage told the council he had converted a former garage block into a house about 2005 "and if you look into the files and utility bills and signed declarations from Fenland councillors it will prove the dates".

His application was supported by the parish council, which said the property had been lived in for more than four years and the Council Tax department confirmed payments from



■ Cllr Mark Archer.

January 15, 2004.

Officers felt that "on the balance of probability" the property has been in use for more than four years "and is, therefore, immune from enforcement".

Cllr Archer said he signed a supporting statement at that time since "Tommy Savage and I have

“Mr Savage has until the first week of January to have a valid application into the council

Bill Tilley
Fenland enforcement officer

always got on well. But he doesn't get any favours, neither should he.

"If I can help that's my job. I have done the right thing, reported it, now let the authorities decide."

Cllr Melton, then a cabinet member, told Fenland Council: "I can confirm that the dwelling has been occupied since 2004. I recall

that I visited the dwelling during 2004 to discuss private business around some construction work to be carried out at Chatteris."

Cllr Jolley said he had visited the house regularly from 2004-2009 and enclosed a ringed map which he "verily testified" indicated Mr Savage's home.

At the time, Cllr Jolley was living in Wimblington Road "which lies across the fields from Mr Savage's property and I am further able to confirm that I have actually seen him in his premises from my own house".

The dates conflicted with Fenland Council's investigation at the time (a planning report noted in July 2005 the roof had only been braced wall and straps and that in October 2005 "I Savage to fit doors") but it agreed to issue a certificate.

A council statement confirmed that in order to qualify for a certificate a house must be in occupation for four years. A 10-year rule applies in other cases, such as for use of non-agricultural purposes where a condition was inserted into the original application for occupation of a caravan or mobile home.

Cllr Jolley said, in a statement to the conduct committee, he had not received any complaints about Mr Savage.

"If I had received a complaint I would have acted on it immediately," he said.

He dismissed the allegations by Cllr Archer and Cllr Fielding.

"This is completely all hearsay and I feel this is a witch-hunt to try to embarrass me as Cllr Archer has a personal grievance against me for some unknown reason," he said.

SAS legend ... ounding the beat in Fens - P18

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