

[REDACTED]

Dear Mr Lewis, I have been informed that you are the correct person for this matter to be addressed to. Here is a copy of an email that I sent to Paul Medd earlier today.

Many thanks

[REDACTED]

On Thursday, 21 April 2016, 11:14, [REDACTED]

Dear Sir

I'm am writing to you to voice my grave concerns over an article published earlier this week on the Cambs Times website regarding Councillor John Clark.

The online link to the article is here:

[Council leader John Clark forwarded complaint about unauthorised car repair business to the man running it - without telling complainants he OWNED the site](#)



Council leader John Clark forwarded complaint about un...

Fenland District Council John Clark leader admitted sending a complaint about unauthorised use of land to the man running a business from there without telling the ...

View on www.cambstimes.co.uk

Preview by Yahoo

Based on the article, it appears that Mr Clark appears to be in serious breach of article 1.4 of the Councillor's Code of Conduct. (Link below).

<http://www.fenland.gov.uk/CHttpHandler.ashx?id=4826&p=0>

If this article is correct, and it appears that Mr Clark is aware of it and has not made any attempt to deny any of it, then there are 3 major issues:

1. He has revealed the details of a confidential complaint to the person that the complaint was about, including personal information about the person who has initiated it which appears to have led to confrontation between the 2 parties.
2. He has a personal interest in the issue in that he owns the property that the complaint was about and as such should not have had personal involvement in the complaint.
3. This is a potential breach of Data Protection Law which I believe is potentially a criminal offence.

It is my personal opinion that any member of the public should feel that they can approach any Councillor, especially the leader of the council knowing that their issue is going to be dealt with in total confidence. His actions totally undermine the very principles of local government. His actions, should the newspaper article be correct, potentially undermine the very fabric of public confidence in local government and bring the whole authority into disrepute. There have been discussions on social media about this incident (of which I have been part of) and unfortunately it appears that the feeling of some local people is that Councillors can and do act with total impunity.

I therefore request that this situation is investigated as a matter of the utmost urgency by the conduct committee and I look forward to your prompt response to this matter.

Many thanks and kind regards



E mail sent on 22nd April 2016

[REDACTED]

I can confirm **safe** receipt of your complaint against Councillor Clark

As you may be aware with all complaints we try and resolve them informally in the first instance therefore we will forward your complaint as you have set it out to Councillor Clark and ask for a response within 7 days as per our procedures. I will provide this response to you for your consideration.

May I ask whether you would accept an apology or another way of informally resolving your complaint? We can then put this to Cllr Clark.

As part of our conduct committee we have an Independent Person, Tina Gambell, who you are able to contact should you wish to. Do please let me know if you would like me to contact Tina in this regard.

Kind regards
Tom Lewis
Acting Monitoring Officer

Copy e mail from [REDACTED] received on the 26th April 2016

Dear Mr Lewis

Firstly, thank you for your swift response and I apologise for my slightly tardy reply. I thought I'd made my reasons for my complaint reasonably clear, however, I will attempt to provide clarification for my motivation behind it below. I have to say initially that I'm slightly disappointed to think that an apology is in any way an acceptable resolution to a potential breach of the code of conduct and data protection laws.

I have no personal grudge with Mr Clark, I don't personally know him, I don't believe that I've ever met him or had any type of contact with him. I have no party political affiliation personally so this complaint is not in any way linked to any type of party politics.

I am an administrator on the March Free Discussion Facebook group which incidents like this are freely discussed by the local public and whilst I understand that the opinions shown on there may not represent the majority of the public, there appears to be increasing feeling that our local politicians can act with impunity with no accountability which in turn leads to apathy in politics which is bad for democracy. My opinion is that councillors far too often appear in our local newspapers for the wrong reasons, in this case, bringing the position as leader of FDC into disrepute. At the same time I do acknowledge that many of them do excellent jobs in serving the community.

Therefore, as this is not of a personal nature, I do not feel that an apology is appropriate for my complaint. My complaint is effectively on behalf of the citizens of Fenland who deserve better from their elected officials. I'm slightly disappointed that incidents like this are not investigated as a matter of course by the relevant department when there appears to be strong evidence from the article in the Cambs Times to suggest that the code of conduct has been broken.

You mentioned in your email about contacting Tina Gambell as an independent person, would it be possible for you to forward all of this correspondence to her regarding this matter?

Many thanks

[REDACTED]

The Maze
108 High Street
March
Cambs
PE15 9LP

28 April 2016

Mr. T Lewis
Fenland District Council
Fenland Hall
March
Cambs

Dear Mr. Lewis

Further to your communication of last week, here are my responses to the complaint from [REDACTED]

1. He has revealed the details of a confidential complaint to the person that the complaint was about, including personal information about who initiated it, which appears to have led to a confrontation between the two parties.

Although I did share the complaint with my tenant, having reflected on this, it may not have been the most appropriate course of action. I was keen to acknowledge this with the complainant and as such made early contact with them as part of a positive discussion with them I felt it appropriate to offer a full apology, which I believe was accepted. [REDACTED] complaint suggests a confrontation between the two parties, as far as I am aware, there was only one email exchange between them, but not face to face confrontation.

2. He has a personal interest in the issue in that he owns the property that the complaint was about and as such should not have had a personal involvement in the complaint.

From the very outset of this matter and based upon the potential for planning enforcement action, I have made it very clear that I have dealt with this matter as landlord and not leader of the council. Furthermore, I immediately reported this issue to the council portfolio holder of planning in order that any appropriate enforcement could be pursued by planning officers, without the suggestion of any inappropriate conflict of interference by me, therefore, I reject the suggestion by [REDACTED] that I have a 'personal interest' in this matter and acted inappropriately as a councillor.

3. This is a potential breach of data protection law which I believe is potentially a criminal offence.

As the complaint was not marked private and confidential and also a swift response to the complaint was requested, I have taken action as landlord to resolve the issues quickly. I don't believe this is a breach of the date protection law, nor a criminal offence.

Yours sincerely

John Clark

Copy of E mail sent on the 29th April 2016:



I can confirm that Councillor Clark has responded to your complaint.

You are very clear in your e mail below that you will not accept an informal resolution to this matter. Therefore the next stage in the Council's conduct process will be a pre-screening of the complaint (and Councillor Clark's response) by the Independent Person, the Deputy Independent Person and the Chairman of the Committee.

Relevant officers and Members of the Conduct Committee will now be consulted as to availability.

I will of course keep you advised as to the progress of your complaint.

Kind regards

Tom Lewis

Acting Monitoring Officer

Clark pays a home visit to apologise for his mistakes

John Elworthy

John.Elworthy@archant.co.uk

Fenland District Council leader John Clark admitted sending a complaint about unauthorised use of land to the man running a business from there without telling the complainant he owned the site.

Cllr Clark was informed by this newspaper last Thursday of our investigation and on Monday night issued a statement admitting what he had done.

"In my capacity as landlord I have now had a number of helpful and positive conversations with the complainants," he said.

"I have offered them my unreserved apologies for sharing their complaint with my tenant. I have also confirmed to them that I am the owner of the property."

Cllr Clark also revealed he had further considered my position and have reached an agreement with my tenant to terminate his tenancy of my property.

The admission followed our investigation that Cllr Clark had forwarded the complaint about an unauthorised car repairs business to the trader being complained about - without revealing he owned the site at the centre of the dispute.

"I don't have an axe to grind against Mr Clark but his behaviour in passing my complaint and contact details to the person I was complaining about is totally unprofessional," said the man who complained.

Councillor Kit Owen emailed Cllr Clark to say that "it has been brought to my attention you are the landlord of the building in question. Are you involved as a councillor or landlord?"

"If the latter, your interest is peculiar and therefore you should consider your position."

Cllr Owen says he wants to know "how did this complaint become known to the complainee? Curiouser and curiouser as this is ostensibly a

CAMBS TIMES

INVESTIGATION



■ Councillor Clark and the piece of land at the centre of the dispute.

planning issue. Is there nothing

confidential about complaints anymore? What is your response to the complainant or did you leave that in the hands of the complainee by advising him of the said complaint?"

The man who complained wrote to Cllr Clark saying that "as leader of Fenland Council I had expected you would take the trouble to reply to me personally about the matter I raised with you by email."

"However it seems you passed my private email to a third party who

now proceeds to call me a liar. "Quite frankly your behaviour in this matter is appalling."

The original complaint said a motor repair business had been operating from the site at the junction of Alpha Street and Station Road.

"He has squeezed up to 10 cars on the parcel of land and works on them at all times of the day and evening including on a Sunday," said the complainant.

"He also parks a flatback recovery vehicle on the double yellow lines

causing traffic issues at an already dangerous junction. He also leaves it on double yellow lines overnight."

The letter of complaint said the matter was causing concern to many residents and posed a danger if oil was not being stored and drained correctly.

Cllr Clark, whose declaration of interests on the Fenland Council website refers to an unspecified piece of land in Station Road, is the owner of the site that was previously a building belonging to the March

Allotments and Gardens Association.

"There appears to have been no plans for a change of use and if there had been we are sure the nearby residents would have objected in the strongest possible terms," said the complainant.

Contents of the email sent by Bryon Harris, a friend of the business complained of, said the work carried on there was an auto-electrical business.

■ Continued on Page 2

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Council leader Clark and how he reacted to land complaint

Continued on Page xx

He questioned why anyone would be "negative to people earning a living in the proximity of your home".

According to the man who complained: "Mr Clark has been to my house to apologise, making it clear he was there as John Clark, and not John Clark leader of the council".

In his statement Cllr Clark said: "Thank you for your email sent on April 14 under the subject heading 'Declaration of Interests'.

"I can confirm that I am the owner of the former allotment premises, Station Road, March. I can also confirm that this property is recorded on my FDC register of interests.

"Your email and questions within it cover issues relating to me both as a councillor and landlord.

"From the point in time that I was notified about the activities of my tenant, I have dealt with this matter as a landlord and sought to separate it from my role as councillor.

"I referred the issue to the portfolio holder for planning, Councillor Will Sutton, in order

that he could deal with any planning issues with FDC planning officers.

"In my capacity as landlord, once I became aware of my tenant's business activities, I made immediate contact with him to state that these were unacceptable to me and that they needed to stop.

"I have further considered my position and have reached an agreement with my tenant to terminate his tenancy of my property.

"In relation to your point about questions posed by a fellow councillor I can confirm that as an outcome of a conversation with Cllr Owen he has stated to me that all his issues have been resolved to his satisfaction.

"With the above in mind and based upon your knowledge of the names the complainant, we haven't current state of health I hope that any coverage you choose to give this matter will recognise the positive attempts made by all parties to resolve this matter in a satisfactory manner."

He signed the email 'Regards, John Clark - Landlord'. It was copied into Cllr Sutton, Mr Medd and to John Carey, the press officer for Fenland District Council.

- Interests**
- Employment, Office, Trade, Profession or Vacation Partner John Clark's Garage and March MOT Centre
 - Director Nigel Bates Car Sales Ltd
 - Lloyds Underwriter
 - Land (apart from home address)
 - Property 2 The Causeway, March
 - Property MOT Centre, St Peters Road, March
 - Property N Bates Car Sales and Workshop, St Peters Road, March
 - Property 130 High Street, March
 - Property Flats 1 and 2, 132 High Street, March
 - Property 3 and 5 Jobs Lane, March
 - Property WMI Strieder, Deerfield Road, March
 - Property Former Allotment Premises, Station Road, March
 - Contracts with the Authority
 - Carry out MOT tests for FDC (not personally)

Did council leader break Fenland code of conduct?

There is now a possibility council leader John Clark could face investigation by the Fenland Council conduct committee.

Should a complaint be submitted it would probably fall within the scope of the section of the code that prohibits councillors from disclosing 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".

The code says the only exceptions are where: (a) you

have the consent of a person authorised to give it; (b) you are required by law to do so; (c) 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 (d) the disclosure is: (i) reasonable and in the public interest; and (ii) made in good faith and in compliance with the reasonable requirements of the authority; or (3.2, prevent another person from gaining access to information to which that person is entitled by law.