

Complaint Form

1. Your details

Title	Mr
First Name	Jason
Last name	Moore
Address	York Foot Clinic 289 Hull Road York YO10 3LB
Daytime telephone number	
Evening telephone number	
Mobile telephone	
E-mail address	

Your address and contact details will not usually be released unless necessary to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- The Member you are complaining about
- The parish or town clerk (if applicable)
- The Independent Persons who advise the City Council on handling standards complaints

We will tell them your name and details of your complaint. If you have serious concerns about your name or details of your complaint being released please discuss those concerns with the Council's Monitoring Officer before submitting your complaint.

2. Making your complaint

You should submit your complaint to the Council's Monitoring Officer by e-mail to monitoringofficer@york.gov.uk or by post to:

Janie Berry
The Monitoring Officer
City of York Council
West Offices
Station Rise
York
YO1 6GA

3. Councillor details

Please provide the name and address of the Councillors who you believe have breached the code of conduct and the name of their Council:

Title	First name	Last name	Name of Council
Mr	Mark	Warters	Osbalwick & Derwent

4. Nature of complaint

Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual has done that you believe breaches the code of conduct.

Please see separate sheet



It is important that you provide all the information which you wish to have taken into account by the Monitoring Officer and Independent Persons in considering whether your complaint requires a detailed investigation. For example:

- You should be as specific as possible as to what you are alleging the Councillors did. For example instead of saying that a Councillor insulted you, you should state what they said or did.
- You should provide dates of the the alleged incidents if possible or a general timeframe if you cannot remember dates.
- You should confirm whether there were any witnesses.
- You should ensure that your complaint is about the code of conduct. The Joint Standards Committee cannot deal with general complaints about decisions made by a Council or actions taken by Councillors in a purely private capacity.

5. Additional help

Complaints must be submitted in writing. This includes by e-mail. We can make reasonable adjustments if you have a disability which prevents you making your complaint in writing or provide assistance if you have any other difficulty which prevents you completing this form.

Mr & Mrs Moore
York Foot Clinic
289 Hull Road
York
YO10 5JB

3rd January 2020

To The Monitoring Officer

Our names are Jason Moore and Keira Moore and we own the property York Foot Clinic, 289 Hull Road, YO10 3LB. In addition to the building we also own the grassed land which is opposite the building. We purchased the property in 2018.

Unfortunately we would like to submit a formal complaint against Councillor Mark Warters (Osbalwick and Derwent Ward). Please see below reasons why;

On the afternoon of Friday 27th November 2020 it was brought to my attention that [REDACTED] were installing fencing on the grassed land opposite the properties on Hull Road. My wife and I own the grassed land opposite our clinic which is clearly shown on Land Registry and on our Ownership Deeds. I approached the workmen and asked where they were placing the fencing and who had authorised this. The workmen at [REDACTED] informed me that "The Council" had instructed them and that they were fencing the whole of the grassed area (including my land). I asked them to speak to their foreman as I do not permit them to apply the fencing on my land. As it was approximately 2pm, work was soon to finish and they agreed to postpone installing until the following Monday.

I immediately spoke to my solicitor who provided me with screen shots from Land Registry, Conveyance and City of York Road Adoption confirming that we are the legal owners of the land and the erection of fencing without our permission was not legal. He told me to get in touch with my local councillor (Cllr), of which there are 2 – Cllr Mark Warters and Cllr Martin Rowley.

I immediately sought out Cllr Mark Warters phone number. I tried calling him several times however there was no answer. I therefore left a brief voicemail asking him to return my call due to the instruction of fencing on my property. I then sought out the phone number of Cllr Martin Rowley. My wife, Keira, managed to speak to Cllr Martin Rowley and explained the situation to him. Cllr Martin Rowley knew about the fencing but told us he was under the impression that the grassed land was owned by York Council and not by any private residents. Their call was interrupted but Cllr Martin Rowley said he was very keen to investigate any wrong doing and for us to call him back later that afternoon. Keira called him back where they were able to discuss matters in more detail. Keira said she would get our solicitor to forward screen shots from Land Registry etc... to show we were the legal owners of the land. Cllr Martin Rowley said he would speak to Cllr Mark Warters and Stoneplan York to postpone any fencing on our land until definite land ownership could be agreed to.

On the morning of Saturday 28th November, Cllr Mark Warters returned my missed calls. I thanked him for returning my call but informed him we had spoken with Cllr Martin Rowley in the meantime and were satisfied that he was investigating the issue for us and was meeting us on the Monday morning to go through things.

Cllr Mark Warters was aggressive in his manor immediately. He informed me he was “well aware” that I had spoken to Cllr Martin Rowley and that I “am wrong”, “It’s the Councils land and we will do what we want to do on it”. When I explained that our solicitor has clearly shown that the land is ours and that this is a waste of money and time, again he aggressively applied with “It’s not my money”. He brought up that he had already denied my previous application of a dropped kerb and would deny any future applications that I would make. He informed me that he’d “fought bigger people than you and stopped bigger issues than this”. He would not accept that the land was owned by me, even though I offered to forward to him the same documents we had arranged to Cllr Martin Rowley and invited him to come and meet me, my wife and Cllr Martin Rowley to discuss the matter on the Monday morning to which he replied “I’ve got a million better things to do with my time than deal with people like you”.

It has since been agreed with the Legal Department of York Council that we are the legal owners of the Land in question as are other residents on the street. This has meant the fencing now has a stop/start appearance as it has been stopped where other residents have now also complained. I have also alerted Cllr Martin Rowley that the fence that has been erected now means that the only access onto this grass verge for hedge cutting/ grass mowing etc is by accessing it via our private land, access that we have not agreed to.

I have never met Cllr Mark Warters or had any dealings with him before. I am deeply saddened that when I needed to discuss matters with him he choose to be aggressive, narrow minded and discriminative against me and my business, rather than take a pragmatic, reasonable approach to this incident. I would like to bring to attention, in particular the following behaviours that I feel warrant this complaint against him:

Openess – It is claimed that this application has been requested by the residents of the street. As an owner of property on this street, I have never been contacted by or had any information given to me regarding this. I have spoken to the majority of the residents on the street who also had no known knowledge of this application or awareness of the fencing being erected. We were not informed of this fence and do not see how, in all honesty, it can be classed as an open application when over half of the residents knew nothing about it. I feel this has been done behind closed doors with its only aim being to harm my business and to profit others.

Accountability – I challenge any Cllr who claims “they have better things to do with their time” than investigate potential illegal activity that they have signed off and approved. In contrast to this, Cllr Martin Rowley immediately accepted my challenge and agreed to meet and discuss the matter. Cllr Mark Warters flatly refused this request in a most rude and abrupt manor.

Treat others with respect – I have never had any dealings with Cllr Mark Warters before. He was aggressive and abusive straight away with me even though I have not done anything wrong and am only protecting my legal property. He felt the need to immediately start the conversation with a bully attitude with how he spoke to me.

Equality Enactment – I believe Cllr Mark Warters has been discriminatory to me as an independent business owner. We offer medical treatments, in particularly to those with mobility issues. I have previously tried to get disability parking for the clinic, at my own cost. The fact that he has previously denied this application and took great delight in informing me he would refuse any further applications shows he has a discriminatory attitude to not only my business but to patients who are disabled.

Bully/ Intimidate – Cllr Mark Warters clearly intended to bully me with his aggressive attitude. He also tried to intimidate me by claiming he “had stopped bigger issues than this”.

Bringing the Council into disrepute – We have to question any Cllr who passes any application without thoroughly investigating it. If the correct due diligence had been done it would be clear that the area was privately owned by me. He was completely blind-sided by his aggression/ anger on the matter, to the point that he would not listen to any of my arguments or accept the evidence in front of him. If this one-sided attitude is how he operates, it makes us question what else he has done!

We feel deeply saddened that we have to submit this complaint, however we feel we have no choice. Cllrs must be held accountable for their actions, rightly or wrongly. They must also be made aware that they cannot adopt a bully attitude just because they can. If we cannot rely on our local Cllrs to regulate, monitor and deal with issues in a fair and just manor what hope do we have.

I thank you for your time

Many thanks

Jason and Keira Moore