



DRIVEN BY RACING

# Clerk of the Course Decision

<b>Circuit:</b>	Silverstone International	<b>Date:</b>	16-10-2024
<b>From:</b>	Paul Levitt (252266)	<b>Clerk of the Course</b>	
<b>To:</b>	Adam Clark	<b>Competition No:</b>	7
<b>Race Title:</b>	AIRTEC Motorsport Fiesta ST240 Championship - Race 2	<b>ASN:</b>	Motorsport UK
<b>Time of Issue:</b>	20:45	<b>Licence No:</b>	385303

Following a report from Mr Richard Hayden (Father of X - a minor) of a number of off-track incidents involving Adam Clark which raised concern, an inquiry was undertaken to establish whether or not their had been breach of Motorsport UK National Competition Rules. The hearing was held in two parts. The hearing was recorded in accordance with NCR C.15.

## PART 1

Sunday 13th October 2024, commencing at 17:30.

Present: Paul Levitt (Clerk of the Course), Andrew Roberts (Deputy Clerk of the Course), Esther Crook (Safeguarding Officer), Luke Souch (Safeguarding Officer), Competitor X (minor), Richard Hayden (Parent of X), Anita Hayden (Parent of X), Adam Clark (Competitor).

1. It was alleged in the written statement made by Mr R Hayden that Mr Clark had (1) approached Competitor X in Parc Ferme in an unacceptable manner following an on-track incident between X and another competitor not party to these proceedings. This situation was said to have culminated in Mr Clark acting in an aggressive manner, by using foul language and inappropriate behaviour (actions such as pulling his trousers down and showing his behind). Video evidence of this incident was provided by Mr R Hayden and reviewed during the hearing.
2. Whilst Mr Clark has apologised for his actions, in defence he explained his actions were as a result of Mr R Hayden acting aggressively towards him.
3. Further, the statement from Mr R Hayden alleged that Mr Clark was overheard making unacceptable comments in the assembly prior to the final race of the championship event. The comments were said to be threatening in regard to on-track behaviour. Coincidentally perhaps, there was an on-track incident between Mr Clark and X, this matter subject to separate judicial proceedings and not part of this inquiry.
4. Following the on-track incident, Mr Clark alleged that Mr R Hayden had messaged a member of the paddock with accusations of Mr Clark's intentions.
5. In Part 1 of this hearing evidence was heard from Mr Clark, Competitor X, Mr R Hayden and Mrs A Hayden, along with the original statement from Mr R Hayden and a witness statement in respect of point 4. Mr Clark requested that the Hearing was adjourned on that basis that he (1) was not aware of the accusations made against him in advance of the hearing, and (2) to provide him with 24 hours to obtain witness statements supporting his version of events.

It was considered appropriate to allow this in the interest of judicial fairness given that the hearing took place during a time where any witnesses were likely to have left the venue and could not be called to part 1 of the hearing. The hearing was therefore adjourned at 17:52 and a time was set for it to be continued at 20:00 on Wednesday 16th October, via online video link.

## PART 2

Wednesday 16th October 2024, commencing at 20:03 via video link.

Present: Paul Levitt (Clerk of the Course), Andrew Roberts (Deputy Clerk of the Course), Esther Crook (Safeguarding Officer), Luke Souch (Safeguarding Officer), Competitor X (minor), Richard Hayden (Parent of X), Anita Hayden (Parent of X), Adam Clark (Competitor).

6. Between the two parts of the hearing the Clerk of the Course received 3 witness statements from Mr Clark in respect of the alleged incidents that form part of this inquiry. These witness statements were shared verbally at the start of this part of the hearing.
7. The witness statements supported Mr Clark's version of events, however the fact remains that Mr Clark retaliated in a totally unacceptable manner in an area where minors were present.
8. The inquiry heard further evidence from Mr R Hayden and Mrs A Hayden, along with further verbal submissions from Mr Clark and Competitor

X.

9. During Part 2 of the hearing, it was clear that Mr and Mrs Hayden experienced technical difficulties, suffering audio issues. They were required to leave and rejoin the video link on a number of occasions. Proceedings were paused during any short period of their absence and two Safeguarding Officers remained present throughout the entirety of the proceedings.

10. The Clerk of the Course retired momentarily to consider all the evidence provided at 20:25, and the hearing was reconvened at 20:40.

#### FINDINGS

10. Having carefully considered all the evidence and witness statements provided together with the frank and straightforward comments and observations made by those attending the inquiry, the Clerk of the Course concludes:

a) the witness statements and submissions by the two parties in respect of the second allegation vary considerably. In the absence of any moving imagery which was not available to the inquiry (albeit CCTV was explored but not in operation in the required area), it cannot be proven beyond reasonable doubt whether what is said to have happened did occur or not.

b) however, in respect of the first allegation in the Parc Ferme area, the Clerk of the Course considered it entirely unacceptable for Mr Clark to approach Competitor X in any such manner, especially in respect of discussing the on-track incident that did not involve Mr Clark and the medical condition of a competitor not party to this inquiry. This was considered to be intimidating towards Competitor X.

c) further, the actions of Mr Clark following any response from Mr R Hayden were entirely inappropriate. Fowl language and the actions of dropping ones trousers to show ones behind (as seen in the video evidence) was of great concern to this inquiry, especially when Mr Clark would have been aware of minors being within the vicinity of the paddock area, including Competitor X.

#### DECISION

Following this inquiry, I find that Mr Clark is guilty of contravening the following Motorsport UK Regulation(s):

C.1.1.8 Misbehaviour or Unfair Practice

C.1.1.9 Abusive language or behaviour, physical assault, or threats of physical assault within the area under the control of the Organising Club.

Accordingly, under Motorsport UK Regulation G 5.3, I hereby order that Mr Clark be:

Disqualified from the Race Meeting (C.2.5) and Fined in the sum of £650.00 (C.2.4). The matter is also to be referred to the Stewards of the Meeting for further consideration.

Number of Licence Points: 6

The decision was announced verbally to those present in the inquiry at 20:45, and Mr Clark was reminded of his right of appeal.

You are reminded of your right of appeal. Any penalties applied will be recorded by Motorsport UK in accordance with Motorsport UK Regulation C 2.1.4

<b>Signed:</b> <b>Clerk of the Course</b>	Paul Levitt (252266)	<b>Date:</b> <b>Time:</b>	16-10-2024 20:45
--	----------------------	------------------------------	---------------------

I being the Entrant / Driver of Car No: 7 acknowledge receipt of the above decision

The competitor was advised at the time stated above that this form would be emailed to them and that the appeal process would then follow the procedure laid down in the current Motorsport UK Yearbook.

Fines or Costs must be paid to Motorsport UK within 7 days of being imposed. Any delay in making payment may result in suspension of licence for the period during which the amount remains unpaid, beyond the said period of 7 days. To pay, call Motorsport UK on 01753 765000 (option 2).