



ch&i associates

**Investigation into a complaint against
Councillor Bill Sharp,
Castle Point Borough Council**

**A report for the Deputy Monitoring Officer of
Castle Point Borough Council**

7 March 2017

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1 Executive Summary

- 1.1 ch&i associates were appointed by the Deputy Monitoring Officer at Castle Point Borough Council (the Council), to investigate a complaint¹ about the conduct of Councillor Bill Sharp, a member of the Council.

Scope and focus of the investigation

- 1.2 On 16 August 2016, Mr Mehmet Ali Deniz submitted a complaint about the conduct of Councillor Bill Sharp. Mr Deniz alleged that Councillor Sharp bullied and harassed him and his business partner, Mr Ramazan Unlu, when challenging them about the renovation of 296 London Road. The complaint includes allegations that Councillor Sharp attempted to use his position to solicit a bribe in return for his assistance and threatened to revoke any permission / licences the property might have / get.
- 1.3 On 7 September 2016, the Council's Head of Law and Deputy Monitoring Officer, having consulted the Council's Independent Person, instructed me to investigate the matter.
- 1.4 My approach in this case has been to equip the Council to determine the allegations through any of the routes open to it, namely:
- a. The member *was not* acting in councillor capacity therefore the code was not engaged and the member did not breach it;
 - b. The member *was* acting in member capacity, but did not through their conduct breach any Code paragraph;
 - c. The member *was* acting in member capacity and breached the Code.
- 1.5 I have not upheld the most serious aspects of this complaint. In my view the evidence does not support the allegation that Councillor Sharp either sought a bribe from the complainant or threatened to use his position to ensure that Mr Deniz and Mr Unlu did not get the necessary permissions and licences.
- 1.6 The investigation has established though that Councillor Sharp did, on 21 July 2016, enter 296 London Road uninvited to advise or suggest that the developers cease work because they lacked the necessary planning permission. Councillor Sharp was then drawn into a heated argument by telephone and text with Mr Deniz. After 21 July 2016, Councillor Sharp urged council officers on a number of occasions to take action against Mr Deniz for not having the necessary planning permission, suggesting that he would call in any planning application for consideration by the Development Control Committee when submitted.
- 1.7 Based on the information I have seen to date, it is my view that Councillor Sharp was acting in his official capacity when involving himself in this matter. I consider that by conducting himself in the manner that he did, Councillor Sharp risked

¹ Found at Annex 1

compromising the impartiality of those working for the Council and attempted to use his position improperly to confer a disadvantage on Mr Deniz, contrary to paragraphs 3(3)(d) and 5(a) of the Council's Code of Conduct.

- 1.7 In line with the Council's Complaints Procedure, the Monitoring Officer (or, in this case, his Deputy) must decide whether to send the matter for a hearing before the Review Committee or (in consultation with the Independent Person) seek informal resolution. Based on the nature of the conduct and Councillor Sharp's belief that he has done nothing wrong, my provisional recommendation is that this matter should be sent for a hearing before the Review Committee.
- 1.8 I also recommend that Part 2 Section 6 of the Council's Protocol and Code of Conduct for Planning Matters should be redrafted to clarify what kind of assistance it is acceptable for members of the Development Control Committee to give to applicants and objectors. In particular, I recommend that members of the Development Control Committee should be advised never to make unannounced visits to developers who they consider to be in breach of planning control. Any enforcement concerns that a member of the Committee may have should be raised with planning officers.

2 Official details of Councillor Bill Sharp

- 2.1 Councillor Bill Sharp was first elected to the Council in 1978 and served continuously until November 1994. Councillor Sharp was next elected to the Council on 1 May 2003. Councillor Sharp was elected again in 2004, 2008, 2012 and again most recently in May 2016 for a four-year term of office.
- 2.2 Councillor Sharp is currently a Cabinet member responsible for Strategic Partnership Working. He is also a member of the Development Control Committee.

3 The relevant legislation & protocols

Localism Act 2011

- 3.1 By section 27(1) of the Localism Act 2011 (the Act) a "relevant authority" is placed under a statutory duty to "promote and maintain high standards of conduct by members and co-opted members of the authority".
- 3.2 By section 27(2) of the Act a relevant authority "must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity".
- 3.3 Under section 28(1) of the Act a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with prescribed principles of standards in public life – the so called "Nolan principles".
- 3.4 The intention of the legislation is to ensure that the conduct of public life in local government does not fall below a minimum level which engenders public confidence in democracy, as was recognised by Beatson J, as he then was, in R

(Calver) v The Adjudication Panel for Wales [2012] EWHC 1172 (Admin) when he held that there was a clear public interest in maintaining confidence in local government while at the same time bearing in mind the importance of freedom of political expression or speech in the political sphere.

- 3.5 Under section 28(6) of the Act, Local Authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 28(7), arrangements put in place under subsection (6)(b) must include provision by the appointment of the authority of at least one "independent person" whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.
- 3.6 Section 28(11) of the Act provides that if a relevant authority finds that a member or a co-opted member of the authority has failed to comply with its code of conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

Castle Point Borough Council's Code of Conduct

- 3.7 Under Section 27(2) of the Localism Act the Council established a Code of Conduct for members (the Code).
- 3.8 The Code adopted by the Council includes the following paragraphs:
- 2. What does the Code apply to?**
- (1) You must comply with this Code whenever you -
- (a) conduct the business of the Authority...
- 3. General obligations**
- (1) You must treat others with respect.
- (3) You must not –
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- 5. Conferring an advantage or disadvantage**
- You must—
- (a) 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...
- 3.9 Paragraph 6.1 of Part 2 of the Council's Protocol and Code of Conduct for Planning Matters states:

Members may assist applicants for planning permission or objectors to such applications by explaining the planning process. Members may also describe the Council's adopted planning policies but should not offer an opinion whether a particular proposal is consistent with those policies without consulting an appropriate Planning Officer.

4 The investigation

- 4.1 This investigation was conducted by Alex Oram on behalf of the Council's Deputy Monitoring Officer. Alex is a director of ch&i associates, a company with a successful track record of conducting complex investigations, assessments and case reviews within the regulatory, charity, NHS and local government sectors. Alex has been conducting member conduct investigations since 2003. He was previously employed by Standards for England as a principal investigator responsible for conducting many of their most complex, politically sensitive and high profile investigations into member conduct.
- 4.2 During this investigation I have considered various documents received from the complainant and the Council. I have also met with Councillor Bill Sharp, Mr Mehmet Ali Deniz, Mr Ramazan Unlu² and Ms Melanie Harris (the Council's Licensing Manager). Councillor Sharp and Mr Deniz were both given the opportunity to comment on my draft report and provisional recommendations. Councillor Sharp's comments can be found at annex 2 of this report; Mr Deniz made no comments.

5 The evidence

Background

- 5.1 In March 2010, the Council granted the owners of 296 London Road permission to change the use of the property from a car showroom to a restaurant and hot food takeaway. A condition of the permission was that the change of use occur within three years; it did not and therefore the permission elapsed.
- 5.2 In early 2016 Mr Deniz and Mr Unlu purchased the lease for 296 London Road and began converting it into a Turkish restaurant. Mr Deniz told me at interview that when he purchased the lease he believed that the planning permission for change of use was still valid.
- 5.3 Councillor Sharp told me at interview that he first became aware of the development when he was contacted about it by a local resident who lived on Oak Road (Resident A). Councillor Sharp said that the resident asked to meet him at Hadleigh Kebab Shop because she and two other local residents,

² As part of this investigation I met with Mr Deniz and Mr Unlu to seek their recollection of Councillor Sharp's visit. Mr Deniz and Mr Unlu told me that Mr Unlu did not want to be interviewed on his own because he was not confident that his English was good enough. Much of the evidence attributed to Mr Unlu in this report was provided via Mr Deniz as his translator.

including the owner of the Kebab Shop (Resident B), had concerns about the development work that was being carried out at 296 London Road.

- 5.4 Councillor Sharp said that his meeting with the residents took place on **18 July 2016**. The residents questioned whether the development had the necessary planning permission and licences; Councillor Sharp told them that he had a vague memory of permission being granted but that he would look into it for them as their Ward member. Councillor Sharp said that the residents expressed concern both about competition and the additional noise: *"I did try to manage their expectations by pointing out that if it met the planning requirements previously it would likely be allowed now even if it did not have permission at that time."*
- 5.5 On **19 July 2016** Councillor Bill Sharp met with Mr Steve Rogers, the Council's Head of Regeneration and Neighbourhoods, to ask him whether 296 London Road still had permission to be converted into a restaurant. Mr Rogers confirmed that planning permission had been granted but had elapsed. Councillor Sharp asked what that meant given the ongoing development; Mr Rogers told him that the developers would need to submit another planning application.

Councillor Sharp's account of his visit to 296 London Road

- 5.6 Councillor Sharp is a regular customer of a café in Hadleigh, where he goes to do some work. When visiting the cafe on **21 July 2016** he happened to see that the doors to 296 London Road were open; he decided to pop over to see if the developers were present.
- 5.7 On entering 296 London Road Councillor Sharp saw Mr Unlu, who he recognised as a Kebab shop owner from Canvey; Councillor Sharp did not know Mr Unlu by name, however he had been served by him in the past and they had always got on. Councillor Sharp asked Mr Unlu whether the restaurant was his; Mr Unlu confirmed that he was opening the business with a partner. Councillor Sharp congratulated Mr Unlu and wished him luck.
- 5.8 During their very brief conversation Councillor Sharp told Mr Unlu: *"You do know that you still have to put in for planning permission though don't you? The permission ran out 6 months ago"*. Councillor Sharp told Mr Unlu that he probably did not want to waste his money carrying on with the work without having the correct permission in place. He reassured Mr Unlu however that any application was bound to go through because it had been approved previously; he just needed to make sure that the application was submitted.
- 5.9 Mr Unlu initially seemed confused by Councillor Sharp's assertion because he thought that he and his business partner had the necessary planning permission. Mr Unlu then seemed very grateful, thanking Councillor Sharp for the information. Mr Unlu asked if he could take Councillor Sharp's telephone number in case his business partner wanted to speak to Councillor Sharp; Councillor Sharp agreed and gave his telephone number to Mr Unlu.

- 5.10 After returning to the café Councillor Sharp received a telephone call from Mr Unlu's business partner, who he later learned was Mr Deniz. Councillor Sharp recalled the conversation as follows:

"He said *"Who is this?"*; I replied *"Who is this?"* He was aggressive from the start. He said *"You've been into my shop?"* I did not like his tone so I decided to be a bit difficult, saying *"I don't know what shop you are talking about"*; I knew who it was. Anyway, after we had cleared that up, he told me that he did have planning permission to convert 296 London Road into a restaurant. I replied: *"Well, you don't"*. He responded: *"You are going to stop a local businessman, are you?"*; I replied *"No I'm not stopping anything; I'm simply advising you that you don't have the planning permission."* He then asked: *"Do you work for the Council, do you?"*; I replied *"I am a Councillor – we don't work for the Council we get elected."* He said *"Just Fuck Off. Go and get yourself a woman and stop wasting my fucking time. You're banned."* He then hung up. I remember I was definitely in the café when I took the call because I had to walk outside during the conversation because I was getting so angry at his rudeness."

- 5.11 Councillor Sharp immediately called back, stating: *"Who are you?"* Mr Deniz still refused to give his name, instead responding: *"I am the man who owns the restaurant"*. Councillor Sharp asked Mr Deniz why he was abusing him over the phone given that all he had tried to do was help. Mr Deniz hung up the phone again. Councillor Sharp thought that he had recorded some of their conversation; he was not able to provide this to the investigation however.
- 5.12 Mr Unlu saw Councillor Sharp in the street soon afterwards and apologised for his business partner's aggressive attitude, telling Councillor Sharp that he would get his partner to call him to apologise. Instead Councillor Sharp began receiving aggressive text messages.

Mr Deniz and Mr Unlu's account of Councillor Sharp's visit to 296 London Road

- 5.13 On 21 July 2016 Mr Unlu was overseeing some building work in 296 London Road when Councillor Sharp walked in; Mr Unlu did not recognise Councillor Sharp and was not aware that he was a councillor. Councillor Sharp asked Mr Unlu what he was doing; Mr Unlu told him that he was opening a restaurant with his business partner.
- 5.14 Councillor Sharp told Mr Unlu that he was from the Council and that they had to stop work immediately and vacate the premises because they did not have the proper licences. Mr Unlu told Councillor Sharp that he thought they did have permission; Councillor Sharp insisted that they did not. Councillor Sharp said to Mr Unlu: "I can help you if we can help each other".
- 5.15 Mr Unlu telephoned Mr Deniz in a panic because he did not fully understand who Councillor Sharp was or why he was insisting they stop work³. Mr Deniz

³ Mr Unlu acknowledged that Councillor Sharp may well have introduced himself as a councillor, however he did not know what that meant. His assumption was that he was someone senior from the Council's planning department.

reassured his partner that the Council's website had confirmed that permission had been granted. Mr Unlu then passed his phone to Councillor Sharp so that Mr Deniz could speak to him.⁴

- 5.16 Mr Deniz politely introduced himself and explained that he was the owner of the restaurant. Councillor Sharp told Mr Deniz that the work must stop immediately. Mr Deniz asked if he was from planning; Councillor Sharp said that he was not, he was a councillor. Mr Deniz asked Councillor Sharp for his number so that he could call him back.
- 5.17 When Mr Deniz called Councillor Sharp back he immediately did not like his tone or manner: *"I think because of my accent Councillor Sharp thought I was stupid. He believed he could bully and patronise us"*. Mr Deniz asked Councillor Sharp why he was on his premises; Councillor Sharp said it was his job to be there. Mr Deniz told Councillor Sharp that he had no right to enter his property, telling him that he should have the Council's planning department contact him if they had any concerns. Councillor Sharp told Mr Deniz *"I am trying to help you here"*. Mr Deniz thanked him and explained that he did not need Councillor Sharp's help because he has his lawyers and a good knowledge about setting up a business. Councillor Sharp repeated that he wanted to help, saying *"I've told your partner we need to help each other"*. Councillor Sharp told Mr Deniz again that there was no point them doing any work on the property at the moment.
- 5.18 Mr Deniz did not like Councillor Sharp saying 'we need to help each other'; he told Councillor Sharp that he and Mr Unlu were business people and so if he was asking for money, they could not give him anything. Councillor Sharp got upset, saying *'how dare you suggest that'*. Mr Deniz said that he didn't know what else he should think by what Councillor Sharp was saying.
- 5.19 Councillor Sharp became angry and told Mr Deniz that even if the restaurant managed to get a licence, he would ensure it was cancelled. Mr Deniz told Councillor Sharp that he was an experienced developer who knew his rights, reiterating that Councillor Sharp had no right to be on his premises and did not have the authority to threaten his licence. Councillor Sharp responded: *"you will see what I can do"*. Mr Deniz told Councillor Sharp that he should get himself a woman rather than try and get involved in his business. Mr Deniz was afraid that he would lose his temper and so hung up.
- 5.20 Councillor Sharp called Mr Deniz back; Mr Deniz did not want to speak to him and so hung up. Mr Deniz then texted Councillor Sharp: *"You are banned from my premises"*. Councillor Sharp called again and Mr Deniz again ended the call almost immediately. Mr Deniz could hear Councillor Sharp trying to record their conversation.

⁴ Councillor Sharp later told Mr Unlu that even if the restaurant had permission for an A3 use, he would cancel it. When Councillor Sharp left he wagged his finger in Mr Unlu's face and told him that he was in trouble.

Text messages between Mr Deniz and Councillor Sharp

- 5.21 While certain aspects of Mr Deniz and Mr Unlu's account of Councillor Sharp's visit to 296 London Road differ from Councillor Sharp's own, it is undisputed that the following exchange subsequently took place via text message:

Councillor Sharp

Mr Deniz

You are banned from my premises
12:58pm

The proper paperwork must be completed. I was advising your partner that according to the planning department it has not been!!
1:10pm

I have told you that you are banned from my premises
1:11pm

Well I can only try and assist you. If you ignore it that is up to you. Do not ever swear at me again...
1:12pm

I am telling you again YOU ARE BANNED from my premises
1:14pm

Silly silly man
1:16pm

I am here at from my premises
1:14pm

Again I recommend you speak to the council planners
1:23pm

I have your details and passed on to my solicitors. I would recommend that you tell your friend who owns other kebab shop we are opening a nice upmarket restaurant
1:33pm

I have advised you of planning law to assist you. If you ignore the advice that is your decision. Do not ever threaten me again... whoever you are. I will always acknowledge anything my constituents ask of me and respond accordingly. Let me have your solicitors name and address please. Cllr Bill Sharp
1:49pm

Mr Sharp. If you imply any sort of payment from us I will have to go to the police to report to police... I will be dealing with the planning department directly. So I don't need your assistance. So we can't pay you any money.
2:00pm

How dare you suggest such a thing. I wish to have your name and your solicitors as that is defamation and not something that is acceptable to me. I am on my way to report your allegation to the police right now.
2:07pm

You have told my partner we need to look after each other. And you want to assist us. Can you explain what that means?? I will give you benefit of doubt. But please keep away from my premises
2:07pm

I said no such thing to your partner as he will verify. I don't know what you are used to but I have been a well respected cllr for 30 years and I want your name and your solicitors so I can legally pursue your false allegations. I am however please you are going through the correct planning process as I suggested... I represent Hadleigh St James Ward and once again you appear to be threatening me. Unacceptable behaviour.
2:17pm

Maybe you are lucky enough to be cleared of assault of UKIP member but please act professional from now on. Have a nice day
2:20pm

And please tell how I have threatened you?? I just kindly asking you to keep away from us and let us get on with our work
2:23pm

The police are informed and I have your comments on my phone. Have a nice day yourself
2:31pm

I have contacted all necessary parties and have informed them. As you know I have the phone records as well.
2:33pm

Good. They prove your guilt as do mine. I still have no name. Just a malicious caller.
2:35pm

A CONTROVERSIAL councillor is trying to bully a local businessman
2:38pm

More threats. Keep them coming no name.
2:35pm

No. I am just trying to tell you that please stop bullying us
2:39pm

Your phone comments. Prove who is trying to bully and who is trying to assist local business. What a rude arrogant man you are. Please ensure you go through the correct planning procedures as I would not like your partner to suffer for your inadequacies. Our conversation is over. But the police will get your details from the system. Enjoy your day
2:43pm

Sorry I can't reply now. On the phone to local press. They know you too well. Having a nice chat about you Mr Sharp. Have a nice day
2:46pm

- 5.22 Mr Deniz told me that Councillor Sharp attempted to telephone him again on Sunday 24 July 2016 at 4.49pm; he did not take the call. Councillor Sharp said that he could not recall doing so, though acknowledged that he may have done. Both men agreed that they have not spoken since 21 July 2016.
- 5.23 After the exchange, Councillor Sharp immediately reported both the altercation and the fact that work was being carried out at 296 London Road without permission to Ms Kim Fisher, an officer in the Council's planning department. Councillor Sharp also spoke with PC Seager because he was concerned that criminal allegations were going to be made against him. Mr Deniz also contacted the Council, reporting the matter to its Head of Governance; he later submitted a formal complaint. Mr Deniz told me that he never contacted a solicitor or the Police though, saying that these had been empty threats that he used because he want to stop Councillor Sharp hassling him.
- 5.24 Mr Deniz told me that he knew from the way Councillor Sharp was speaking that he was not trying to offer genuine help. Mr Deniz said that he did not know why Councillor Sharp came to see them or if he had been sent by anyone; Mr Deniz commented that the Kebab shop owner in Hadleigh⁵ had been heard to say that his connections in the Council would stop the new restaurant from opening.
- 5.25 Mr Deniz, by way of context, told me that in Turkey a councillor can throw their weight around if upset and make things very difficult for local business. Mr Deniz said that as far as he is concerned a councillor saying 'we need to help each other' is basically a threat; give me a bribe or I will cause trouble for you. Mr Deniz stated in his complaint that because of Councillor Sharp's conduct, Mr Unlu felt so concerned he was considering withdrawing from their business partnership. Mr Deniz told me that the incident worried and upset him.
- 5.26 Councillor Sharp told me that as a local councillor he has every right to walk into a property within his ward to tell the owners that they are carrying out works without the necessary permission from the Council. Councillor Sharp rejected the suggestion that Mr Unlu did not know who he was, stating that he had assisted a friend of Mr Unlu's with a housing form in the past.
- 5.27 Councillor Sharp said that his conversation with Mr Unlu was friendly, adding that Mr Unlu appeared to both understand and speak English well. Councillor Sharp said that Mr Deniz was immediately aggressive however; he surmised that perhaps Mr Deniz was angry because he had told Mr Unlu that they did not have the necessary planning permission.
- 5.28 Councillor Sharp told me that while he may well have told Mr Unlu and Mr Deniz that he was there to help, he was clear that he did not say "*we need to help each other*". Councillor Sharp described Mr Deniz' accusation that he was soliciting a bribe as outrageous, insisting that he only ever made the suggestion in his text messages and not during their telephone conversation. Councillor Sharp also strongly denied saying that he would revoke their permission / licence if they had

⁵ Resident B

it, commenting that this would have been a ridiculous threat given that he clearly did not have the power to do so.

- 5.29 Councillor Sharp said that Mr Deniz was clearly trying to make trouble for him, pointing out that Mr Deniz had clearly 'googled' him when sending the texts. Councillor Sharp said that in his view Mr Deniz did not want the Council's focus to be on the fact that he did not have the necessary planning permission; instead he decided to submit false allegations about a councillor who was simply trying to stop them wasting money on a development until they had the required planning permission.

Councillor Sharp's subsequent involvement in the matter

- 5.30 On 22 July 2016, Councillor Sharp emailed Kim Fisher about 296 London Road:

"thought I would mention that I have had a lot of verbal and texted abuse from the new owners of the address I mentioned to you yesterday but they have said they will contact the planners to ensure they are complying with permission for the site or place an application with you. They are still working on the interior. But if they haven't got permission and have been advised I guess that is their decision. Be careful if anyone goes down there to check as they are threatening in their attitude and behaviour."

- 5.31 On 25 July 2016, the Council set up a new enforcement case for 296 London Road, naming Councillor Sharp as the complainant.
- 5.32 On 1 August 2016 Mr Davis, the Council's Planning Development and Enforcement Manager, contacted Councillor Sharp to inform him that he had written to the occupiers of 296 London Road informing them that a fresh planning permission was required.

- 5.33 On 12 August 2016 Councillor Sharp emailed Mr Davis:

"I have been contacted whilst on holiday to tell me that scaffolding is up and work progressing at a pace as well as an advertisement on the building saying a restaurant is coming to the site. I and now you have told them they do not have planning permission but it appears they are completely ignoring the law. Has anyone visited the site and spoken to these people? If an application does come in at any stage I will request it goes to committee for decision, can you also check whether a drinks and music license have been applied for please?"

- 5.34 Mr Davis immediately emailed Melanie Harris, the Council's Head of Licensing, for information about the drinks and music license. Ms Harris told me at interview that her department had already received a complaint about the development from the proprietor of Hadleigh Kebab shop⁶.

⁶ Resident B

- 5.35 On 15 August 2017, Councillor Sharp emailed Mr Davis again, pointing out that he was being inundated with questions about a development that appeared to be blatantly ignoring planning laws.
- 5.36 Mr Davis responded on 16 August 2016, confirming that to date no application had been submitted. Mr Davis added: *"It is the practice of the Council to provide a period of 'grace' for people contravening planning regulations to submit an application. Given the time of year this may be more difficult than usual to arrange."* Councillor Sharp was advised to contact Melanie Harris, the Head of Licensing, for information about the drinks and music license.
- 5.37 On 16 August 2016, Councillor Sharp emailed Melanie Harris to ask whether 296 London Road had applied for a drinks licence. He informed her that he had already advised the occupiers that they need planning permission but has just been met with abuse. Ms Harris noted at the time that Councillor Sharp had made it clear that he would be seeking a licensing review and require any planning permission to be called before the Development Control Committee. In his comments on the draft report Councillor Sharp denied saying that he would seek a licensing review. Councillor Sharp said that he merely asked Ms Harris to contact Resident B; Councillor Sharp told me that he recalls saying *"I don't really want to get involved"*.
- 5.38 On 23 August 2016, Councillor Sharp visited Mr Davis to seek an update; Mr Davis informed him that there had been no response from the developers, however he did not intend taking enforcement action imminently as it was the Council's practice to allow developers a period of time to address any planning permission issues. Councillor Sharp asked Mr Davis to act immediately, commenting that he was only trying to save the developers money. Mr Davis refused, saying that the developers were free to continue at their own risk.
- 5.39 On 15 September 2016, Councillor Sharp emailed Mr Davis for an update. On 20 September 2016, Mr Davis informed Councillor Sharp that he had met with the developers at 296 London Road to and they had expressed their intention to comply with all the relevant regulations. Mr Davis told Councillor Sharp that given their co-operation and the previously granted planning permission, he did not consider it expedient to take any enforcement action at that time. Councillor Sharp responded immediately:
- "I cannot agree with you more Robert. I certainly did not want enforcement action taken in this matter just that the planning law has to be followed. From a conversation held with the owner where I advised him as you did, to put in an application for his own financial protection his attitude was one of disdain for the process and a rude and aggressive response to me. I have asked that if a planning application comes forward I would wish this matter to come to committee whatever the decision will be so that people are made aware that rules must be followed and complied with"*
- 5.40 On 27 September 2016, Councillor Sharp asked Mr Davies to clarify his earlier response; was he saying that 296 London Road did not need to apply for

permission again? Mr Davies passed the email to Mr Steve Rogers, who confirmed that an application for planning permission was still required.

- 5.41 On 28 September 2016, the Licensing team were contacted by Resident A, who confirmed that she would be objecting to the Licensing application relating to 296 London Road⁷. Resident A confirmed that she had spoken with Councillor Sharp about her concerns on a number of occasions, adding "*when Councillor Sharp went over to remonstrate with the developers the Police had to be called.*"
- 5.42 On 30 September 2016, Councillor Sharp contacted Melanie Harris to see if 296 London Road had submitted a licence application; she confirmed that they had. Councillor Sharp explained his involvement in the matter, including providing an account of his altercation with Mr Deniz. Councillor Sharp told Ms Harris that she should expect calls from Resident A and Resident B about the application because they were concerned about noise late at night. Ms Harris reassured Councillor Sharp that the licence application was only until 11pm; Councillor Sharp said that while that might be the case, given that the applicants had continued to ignore planning laws who is to say whether they would respect licensing conditions.
- 5.43 Ms Harris told me at interview that Councillor Sharp questioned how Mr Deniz, who he described as living in a Council house on benefits, could afford the restaurant in the first place. Ms Harris said at interview that Councillor Sharp told her that while he did not really want to get involved in what he perceived to be a hate campaign between 'two sets of Turks' who already owned kebab shops, he was looking into Mr Deniz and his interests.
- 5.44 In his comments on the draft report Councillor Sharp denied saying he was looking into Mr Deniz's interests; Councillor Sharp said that he simply told Ms Harris that a complaint had been made about Mr Deniz receiving benefits unfairly, however his only involvement had been to advise the complainant that they needed to contact the Benefits department.
- 5.45 During the afternoon of 30 September 2016, Resident B left a message with Melanie Harris asking for her to call him. On the following working day, 3 October 2016, Ms Harris asked one of her officers to contact Resident B; a meeting between them was subsequently arranged. In the meanwhile, Councillor Sharp left what Melanie Harris described as an aggressive message on her answerphone demanding to know why she had not contacted Resident B. Ms Harris told me that approximately an hour later Councillor Sharp 'barged' into her office, ignoring the fact that she was in a meeting, because he had not heard back from her. Councillor Sharp told her that there were several people who wanted to object to the licence and they needed to be told how. Ms Harris reassured Councillor Sharp that a meeting had been arranged with Resident B.
- 5.46 Melanie Harris told me that Councillor Sharp rarely gets involved with licensing matters. She told me that in this instance he seemed very much opposed to

⁷ Mr Deniz had submitted an application for a music and drinks licence for the 'Mez Restaurant', 296 London Road on 26 September 2016

licence being granted, though in her view this appeared to be because of a personal distrust of Mr Deniz rather than because of material licensing considerations.

- 5.47 In his comments on the draft report Councillor Sharp denied being aggressive in any way. Councillor Sharp also said the he did not 'barge' into Ms Harris' office; *"I saw her at her desk as I was walking through the offices and knocked on her door. She beckoned me in! I entered said sorry for disturbing you have you spoken to [Resident B]. She said yes all under control. I thanked her and left."* Councillor Sharp stressed that he had no particular interest in Mr Deniz's licence application; he was getting calls about the matter from residents and so became involved on their behalf.
- 5.48 On 25 October 2016 296 London Road (now known as Mez Restaurant) was granted a music and alcohol licence. The application did not have to be heard by the Council's Licensing sub-committee the Council did not receive a single written objection to it.
- 5.49 On 26 October 2016, Councillor Sharp contacted Mr Rogers about the ongoing development of 296 London Road:

"I am continually being contacted by local residents regarding the continued progression of the development of the site named above. Can you please tell me whether an application for change of use has been applied for? I am concerned that the owners of this site appear to have no regard for the planning law, and even though I can see no real objection to the change of use (as it has had permission before for such a use) I am deeply disturbed that they feel they can continue without any regard to our legal system. I understand a license application has come in and I have passed this information on to the three most verbal constituents for them to deal with."

Mr Rogers responded the following day, confirming that no application had been forthcoming. Mr Rogers told Councillor Sharp that despite this, his department did not intend to actively pursue the matter since permission had been previously granted and there had been no significant change in material planning circumstances since then.

- 5.50 On 1 December 2016 Councillor Sharp emailed the Leader of the Council and the Chair and Vice Chair of Planning to express his concern at Mr Roger's decision not to pursue the developers of 296 London Road. Councillor Sharp stated: *"I am all for people trying to open business in Hadleigh and honestly do not see any real reason why an application for this use would be refused, however I am very unhappy about the fact that these premises are allowed to open without going through the planning process. I would hate to think we as a planning authority are being selective when enforcing the legal requirements of planning law."*
- 5.51 Councillor Sharp told me at interview that he has continued to involve himself in this matter because he is a dedicated councillor who responds to his residents'

concerns. Councillor Sharp acknowledged that the actions of the complainants have annoyed him; he denied though being driven by a personal animosity, pointing out that he never made the alleged threat to revoke any licences or permissions and has done nothing to adversely affect their situation. Councillor Sharp said that his desire right from the start was to simply ensure that the restaurant had the necessary permissions and licences in place. Councillor Sharp added that he is amazed that the Council have chosen to pursue him in the form of this investigation rather than the complainants, who still have not submitted a planning application.

Investigator's considerations on the facts

5.52 Based on the evidence obtained so far, I am satisfied the following occurred:

- Councillor Sharp became involved as a ward councillor in matters related to 296 London Road after being approached by a group of concerned local residents who were opposed to the development.
- On 21 July 2016 Councillor Sharp visited 296 London Road after finding out that the property did not have planning permission to be converted into a restaurant,
- Councillor Sharp introduced himself to Mr Unlu as a councillor. He told Mr Unlu that he did not have necessary planning permission and therefore it would be in his own interest to stop the work.
- Mr Unlu contacted his business partner, Mr Deniz, because he was concerned that the Council was ordering them to stop the work.
- Mr Deniz and Councillor Sharp had a heated exchange on the telephone. During the conversation, Councillor Sharp told Mr Deniz that he did not have the necessary planning permission and that he was only trying to help him. Mr Deniz told Councillor Sharp that he did not need his help and that he was banned from his premises. The conversation ended when Mr Deniz told Councillor Sharp to get himself another interest like a woman and then hung up.
- Councillor Sharp tried to call Mr Deniz back at least once; by now both men acknowledged that they were getting angry with the other.
- There followed a series of texts between Mr Deniz and Councillor Sharp (set out in full above) in which Mr Deniz alleged that Councillor Sharp was bullying them; he also implied that Councillor Sharp was soliciting a bribe. This was strongly rejected by Councillor Sharp.
- Councillor Sharp continued to be contacted by residents and he in turn continued to take a keen interest in the development, contacting the officers in the planning and licensing departments on several occasions to encourage them to ensure that Mr Deniz complied with planning and licensing laws. During some of these conversations / emails Councillor Sharp cast aspersions on Mr Deniz's character.
- Councillor Sharp indicated that he would ensure that any planning application from 296 London Road would be 'called-in' to the Development Control Committee, on which he sits.

5.53 In considering the allegation against Councillor Sharp there are in my view two key issues in dispute:

- I. Did Councillor Sharp tell Mr Unlu and Mr Deniz: *"We need to help each other"*?
- II. Did Councillor Sharp tell Mr Unlu and Mr Deniz that he would ensure that any licence or permission they had was revoked?

- 5.54 Since no audio or video recording of the conversation has been made available to the investigation, considerations of witness credibility and indirect evidence become more important. I have to determine whether the evidence indicates that Councillor Sharp made the comments attributed to him based primarily on three accounts; Councillor Sharp's, Mr Deniz' and Mr Unlu's. In addition, I bear in mind other factors, including: circumstantial evidence, and contemporaneous documentation.
- 5.55 In support of the allegations is Mr Deniz' verbal account, as provided in the contemporaneous account given to the Council's Head of Governance, his complaint letter and attached statement dated 16 August 2016 and his interview with me. During this investigation, I met with Mr Deniz and found him to be a confident witness who could recall his telephone conversation with Councillor Sharp in detail. Also in support of the allegations is Mr Unlu's evidence; in considering what weight I should place on his account, I am mindful that Mr Unlu could not provide all his evidence to me directly and that his account was largely provided to me by Mr Deniz. While in no way suggesting that this should lead me to think his evidence less credible, it does along with the obvious business link between the two men, affect the extent to which I can regard them as independent witnesses. This is not a clear-cut case of evidence from two people versus evidence from one.
- 5.56 Councillor Sharp on the other hand, both in his initial statement to the complaint and at interview, was equally clear that he did nothing that could have implied he was soliciting a bribe or threatening to revoke any licence. Councillor Sharp pointed to the content of the text messages to demonstrate his outrage at the accusation, adding that he immediately reported the matter to a senior planning officer and the Police.
- 5.57 The standard of proof to be applied in this investigation is not whether the allegation is plausible but whether, on the balance of probabilities, it is more likely to have happened than not. In addition, when assessing the probability of something occurring I must have in mind as a factor the seriousness of the alleged incidents. It is my view that the comments allegedly made by Councillor Sharp would, if proven, amount not only to a serious breach of the Council's Code of Conduct (where the balance of probabilities is the appropriate test) but could be considered to constitute a criminal offence (which requires an allegation to be proved beyond reasonable doubt). As a result, any such finding could badly damage Councillor Sharp's political career and reputation. Under those circumstances the evidence required for me to conclude that the alleged comments were made would need to be compelling.
- 5.58 Having considered all the evidence to date I am unable to conclude, on the balance of probabilities, that the two comments set out at paragraph 5.52 were

spoken by Councillor Sharp. It is quite clear that the telephone conversation between Councillor Sharp and Mr Deniz rapidly became extremely heated and angry, but I do not consider that I have any compelling evidence that allows me to decide which of the two men has given me the more accurate account of the conversation. Given the close business association between Mr Deniz and Mr Unlu, I cannot regard Mr Unlu as an independent witness. I am also mindful of the fact that much of Mr Unlu's evidence was relayed to me via Mr Deniz. My conclusions as set out in section 6 of this report are therefore based on the findings of fact set out at paragraph 5.47 of this report.

6 Have there been failures to comply with the Code?

Official Capacity

- 6.1 Before I make a recommendation as to whether Councillor Sharp's conduct amounts to a failure to comply with the Code of Conduct, I need to decide if he was acting as a councillor (i.e. acting in his official capacity).
- 6.2 Section 27(2) of the Localism Act 2011 requires all relevant authorities to adopt a code of conduct "*dealing with the conduct that is expected of members ... when they are acting in that capacity*" (my emphasis). The Council has reiterated this in its own Code.
- 6.3 My view is that Councillor Sharp was acting in his official capacity when visiting 296, London Road on 21 July 2016. Councillor Sharp has consistently maintained in his evidence that he regarded himself as acting as a ward councillor advising his constituents on proper planning procedure and I have no reason to doubt Councillor Sharp's evidence on this point. I am also satisfied that his subsequent interactions with officers was also in this capacity.

Was Councillor Sharp's conduct contrary to the Code?

- 6.4 The intention of the Code is to ensure that the conduct of public life at the local government level does not fall below a minimum level which engenders public confidence in democracy. In adhering to the principles set out in the Code there is an expectation that members will always act in a way that engenders confidence in local democracy.
- 6.5 Councillor Sharp has maintained throughout that his actions are simply those of a Ward member who responds to his residents' concerns and makes a concerted effort to ensure that they are properly addressed. I do have some sympathy with this position; Councillor Sharp seemed genuinely concerned that a local business could ignore the relevant planning requirements in the manner that Mr Deniz and Mr Unlu were and disheartened by what he considered the Council's half-hearted attempts to then regulate the situation. Having said that, there are a number of aspects of Councillor Sharp's behaviour that give me cause for concern.

Advice to Mr Unlu and Mr Deniz

- 6.6 Councillor Sharp told me that that he took the decision to enter 296 London Road after seeing Mr Unlu, whom he knew well, inside the property. Councillor Sharp said that his intention was to offer friendly advice to a business owner in his ward. In considering this matter I am concerned that Councillor Sharp's position is not consistent either with Mr Unlu's recollection or the fact that his involvement came about after he offered his support to residents who were strongly opposed to the development. In my view, it was unwise for Councillor Sharp to take it upon himself to enter 296 London road uninvited to discuss matters related to the Council's planning requirements. Having met with his constituents to hear their concerns, Councillor Sharp need only to have reported the matter to the relevant planning officer. His subsequent actions were unnecessary and intrusive; I consider that for a councillor to visit a developer uninvited and advise the developer of an alleged breach of planning control is a provocative act, that is contrary to the advice in the Council's Protocol and Code of Conduct for Planning Matters. While I have not found that Councillor Sharp attempted to either solicit a bribe or threaten the developers, his actions led to a 'he said v they said' dispute that had massive reputational risks for both him and the Council.
- 6.7 While I note that Councillor Sharp denies ever ordering Mr Unlu and Mr Deniz to cease work and vacate the premises, he did acknowledge that he advised Mr Unlu that he probably did not want to waste his money carrying on with the work without having the correct permission in place. He also told the developers that they would be granted the necessary permission if they applied for it. While I note Councillor Sharp's contention that he was simply repeating advice provided by Mr Rogers, in my view members of the Development Control Committee have to be particularly cautious in such situations. I consider that Councillor Sharp's statements went beyond the neutral advice on planning policy and procedure permitted by paragraph 6.1 of Part 2 of the Council's Protocol and Code of Conduct for Planning Matters. The most that Councillor Sharp was entitled to say, in my view, was that proceeding without planning permission put the developers at risk of enforcement action by the Council and that the developers should contact the Planning Department for further advice. His decision to advise or suggest that work should stop seems even odder given his belief that any planning application was "*bound to go through*".

Argument with Mr Deniz

- 6.8 It is clear from the evidence that following his visit to 296 London Road, Councillor Sharp allowed himself to be drawn into a heated argument with Mr Deniz, both on the telephone and via text message. Mr Deniz was clearly angry at Councillor Sharp's involvement and responded accordingly; having said that I do consider that Councillor Sharp must bear some responsibility for the fact that this argument arose. As I have already said, I consider that Councillor Sharp's decision to enter the premises uninvited and advise or suggest that work should stop was a provocative act. I consider that this was almost certainly a factor in the subsequent conversation between him and Mr Deniz becoming so heated.

- 6.9 I also consider that Councillor Sharp's conversation and subsequent text message exchange with Mr Deniz indicates that he was seeking to escalate the dispute rather than bring the conversation to an end. I note that after advising Mr Deniz to "speak to the council planners" (advice which was entirely correct) Councillor Sharp went on to threaten defamation proceedings and to report Mr Deniz to the police. While to an extent I can understand Councillor Sharp's concern when Mr Deniz indicated that he could not pay him any money, I consider his response to have been wholly disproportionate given that this was supposed to a discussion about a technical breach of planning control.
- 6.10 Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurred are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurred, who observed the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompted the alleged disrespect.
- 6.11 Given that Councillor Sharp was acting in an official capacity as a Ward councillor, he should have brought all his interactions with Mr Deniz to an end as soon as it became clear that his involvement was not wanted. Instead he was complicit in the dispute escalating to an extent that he personally insulted Mr Deniz (calling him a "silly silly man" and a "rude and arrogant man") and threatened to take legal action against him. Given the context of the exchange, in particular Mr Deniz's aggressive response to Councillor Sharp's visit, I do not consider that on this occasion the conduct constitutes a breach of the Council's Code of Conduct; I do though consider that it does indicate a lack of judgement on the part of Councillor Sharp. Councillors are required to set standards and not descend to the standard to which they perceive others may have fallen.

Conduct after 21 July 2016

- 6.12 I am particularly concerned by Councillor Sharp's conduct in relation to 296, London Road since his argument with Mr Deniz on 21 July 2016. I note in particular that:
- a) on 22 July, Councillor Sharp emailed Kim Fisher about the matter, warning her that the developers were 'threatening';
 - b) on 12 August, Councillor Sharp encouraged Mr Davis to arrange for an enforcement visit to be made, saying that he would request that any planning application come before the Development Control Committee for decision;
 - c) on 15 August, Councillor Sharp again encouraged Mr Davis to take enforcement action against Mr Deniz and Mr Unlu;
 - d) on 16 August, Councillor Sharp told Melanie Harris that he would seek a licensing review and call in any planning application while making negative comments about the applicant.

- e) on 23 August, Councillor Sharp visited Mr Davis to urge him to take enforcement action immediately
- f) on 20 September, Councillor Sharp again emailed Mr Davis to say that he wanted any planning application to come before the Development Control Committee;
- g) on 30 September, Councillor Sharp made a number of additional negative comments about Mr Deniz to Melanie Harris, including questioning how he could afford the restaurant;
- h) on 3 October, Councillor Sharp visited Ms Harris in her office while she was in a meeting because he wanted her to take action in relation to the licensing application for 296, London Road; and
- i) on 1 December, Councillor Sharp emailed the Leader of the Council and the Chair and Vice Chair of Planning to express concerns about Mr Rogers' decision not to take enforcement action against Mr Deniz.

6.13 In his comments on the draft report Councillor Sharp stressed that he was not raising issues about planning enforcement; he was concerned about non-compliance with the Council's planning rules. Councillor Sharp indicated that in his view these are two very different things; while I accept that argument to an extent, it is my view that Councillor Sharp pressed Council officers to take direct action against Mr Deniz and Mr Unlu beyond simply advising them that they needed to submit a planning application.

6.14 In the normal course of events there may be circumstances where a councillor genuinely believes that planning enforcement action should be taken and is entitled to make representations to planning officers to that effect. I can understand Councillor Sharp's concern that Mr Deniz and Mr Unlu have to date still not taken the requested action to regularise the change of use at 296 London Road. What concerns me in this case is the fact that Councillor Sharp has pursued the matter in the manner that he has despite acknowledging throughout that there would be no material planning grounds to refuse a fresh planning application for a restaurant at 296, London Road. His persistent correspondence suggests that he believes that enforcement action should be taken whenever development takes place without the appropriate permission. However, in my view it is self-evident that a planning authority's decision whether or not to take enforcement action must be based on a consideration of the planning merits in each case.

6.15 I am also concerned by Councillor Sharp's repeated suggestion that, if an application was submitted, he would call for it to come before the Development Control Committee for decision. Councillor Sharp maintains that this was to ensure that planning law was seen to be publicly sacrosanct. It is, in my view, a clear waste of the Council's resources and of the time of Committee members and officers for a planning application to be brought before the Development Control Committee in these circumstances.

- 6.16 In the absence of any genuine planning reason for wanting enforcement action to be taken or for any planning application to come before the Development Control Committee, I am forced to conclude that Councillor Sharp's motive for these actions was to pursue his personal quarrel against Mr Deniz, which began with their argument on 21 July. Councillor Sharp appears to have wanted to make it difficult for Mr Deniz to open his restaurant. His efforts have included encouraging officers to take enforcement action and therefore remove their discretion not to rigidly enforce; a discretion that we may assume is applied to other residents routinely and without interference from Councillor Sharp; and making critical comments about Mr Deniz to officers, in particular the Head of Licensing; seemingly questioning his licensing application based on a personal distrust rather than material licensing considerations.
- 6.17 Based on the considerations detailed above I would firstly make the point that I have not upheld the most serious aspects of this complaint. In my view the evidence does not support the allegation that Councillor Sharp either sought a bribe from the complainant or threatened to use his position to ensure that Mr Deniz and Mr Unlu did not get the necessary permissions and licences.
- 6.18 Having said that, I do have concerns about aspects of Councillor Sharp's conduct. I believe that by making an uninvited and unannounced visit to 296 London Road and then advising the developers in the manner he did, Councillor Sharp's conduct could have compromised the planning officers' ability to take an impartial decision as to whether or not enforcement action was required in this case. I also consider that Councillor Sharp's subsequent efforts to persuade officers to take enforcement action when there were clearly no planning grounds to do so (culminating in the email of 1 December to the Leader of the Council and others) and his interactions with the Council's Head of Licensing, in particular his repeated questioning of the complainant's character, amounted to conduct that was likely to compromise the impartiality of these who work for the Authority; therefore, a breach of paragraph 3(3)(d) of the Council's Code of Conduct. .
- 6.19 Further to the above, I consider that Councillor Sharp's conduct amounts to a failure to comply with paragraph 5(a) of the Code, which provides that a member must not attempt to use their position improperly to confer a disadvantage for any other person; in this instance Mr Deniz and Mr Unlu. There are many circumstances where it is proper for a member to attempt to confer a desirable outcome, or advantage, for their constituents; this in turn can mean an undesirable outcome for somebody else. A member's conduct would become improper however if, for instance, the 'person' being advantaged or disadvantaged was considered to be either a 'friend' or 'enemy'. While I note Councillor Sharp's contention that he has no animosity towards the complainant and did nothing to disadvantage him, I do not consider that this is supported by the facts as set out above. I consider that Councillor Sharp's conduct was improper because he attempted to use his public position to pursue a grudge against the complainant.

7 Finding and Recommendations

- 7.1 Based on the information I have seen, and for the reasons set out above, it is my view that Councillor Sharp has failed to comply with paragraphs 3(3)(d) and 5(a) of the Code of Conduct
- 7.2 In line with the Council's Complaints Procedure, the Monitoring Officer (or, in this case, his Deputy) must decide whether to send the matter for a hearing before the Review Committee or (in consultation with the Independent Person) seek informal resolution. In considering what action the Deputy Monitoring Officer should take in relation to these matters, the fact that Councillor Sharp is a very experienced councillor who is a member of both the Cabinet and the Development Control Committee is a factor. Based on the nature of the conduct and Councillor Sharp's belief that he has done nothing wrong, my provisional recommendation is that this matter should be sent for a hearing before the Review Committee.
- 7.3 I also recommend that paragraph 6.1 of Part 2 of the Council's Protocol and Code of Conduct for Planning Matters should be redrafted to clarify what kind of assistance it is acceptable for members of the Development Control Committee to give to applicants and objectors. In particular, I recommend that members of the Development Control Committee should be advised never to make unannounced visits to developers who they consider to be in breach of planning control. Any enforcement concerns that a member of the Committee may have should be raised with planning officers.

COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title:	MR
First name:	MEHMET
Last name:	ALI
Address:	DEK17
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

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

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

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

2. Please tell us which complainant type best describes you:



Member of the public

- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

Making your complaint

Attached is a copy of the Council's complaints procedure and flowchart explaining how your complaint will be dealt with by the Council.

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
MR	BILL	SHARP	CABC

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

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when a decision is made whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Mr Sharp was bullying and harrasing me and my Business Partner
Please find text conversations attached

Only complete this next section if you are requesting that your identity is kept confidential

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

If your complaint is dealt with by the Review Committee at a hearing after an investigation you may be asked to attend as a witness.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

I would prefer it if Mr Sharp does NOT have my personal details i.e. Address. email

Additional Help

6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you

if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

1. I, Mehmet Ali Deniz, make this statement to support my complaint about Cllr Sharp's bullying and harassment of me and my business partner Ramazan Unlu. I also feel that Cllr Sharp was trying to get a bribe from me.
2. (I own a number of businesses .I brought the lease of the premises a former car show room at 296 London Road Hadleigh which has planning approval for A3 & A5 use and I am going to convert it to a restaurant we have begun to clear out the building. I had made contact with the Council's planning department regarding approval to move the fire escape)
3. On Thursday 21st July Cllr Sharp visited my business premises at 296 London Road Hadleigh he told my business partner he was from planning at the council he was not happy he told my partner that he needed to stop work on the building.
4. I rang Mr Sharp who was there at my premises .He said you have to stop working you have no licence. I told him I did have licence. He told me that 'If I'm telling you haven't got it then you haven't got it.
5. He told me he was not from the planning department he said I'm your local councillor it is 'my responsibility to check on businesses and follow up on planning.
6. I've told your partner and I'm telling you I am here to assist you. You cannot carry out work without permission .There are rules and regulations.' (His words to my partner and me were listen we need to help each other let me help you)
7. I told him I knew that and I had already contacted the council about the fire escape. I did not need his help.
8. He told me I had to stop work.
9. He said it was his duty to assist me - I found him patronising.
10. I asked him to leave he said he was not going anywhere.
11. I told him to get another interest – get a girl friend and put the phone down.
12. I sent him a text asking him to leave.
13. He called me and tried to provoke me (I could hear him trying to record the conversation.)

14. He told me (my partner) that 'even if there is a licence for an A3 use I will cancel it'

15. He texted me about the licence. I told him to leave

16. I went to 296 London Road - he had left wagging his finger in my partner's face telling him he was in trouble. He had told me that too.

17. He then sent the texts which I have attached to this statement. The text in blue are mine, the yellow texts are from Cllr Sharp.

18. (By way of background to the texts in Turkey a councillor can throw their weight around if upset and could make things difficult and take our licence (permission) away so if they asked let's help one another - that is a request for a bribe to make things alright for you otherwise I will cause trouble.)

19. On Sunday 24th July at 4.49pm – Cllr Sharp phoned me I did not answer the call.

20. As a consequence of Cllr Sharp's behaviour my partner is worried and threatened and he may well withdraw from our business which will have a damaging effect on me and my family.

21. I attach a copy of the text conversation below.



Thu, 21/07/2016

You are banned from my premises

12:58 pm



The proper paperwork must be completed . I was advising your partner that according to the planning department it has not been !!

1:10 pm

I have told you that you are banned from my premises

1:11 pm



Well I can only try and assist you . If you ignore it that is up to you .. Do not ever swear at me again.....

1:12 pm

I am telling you again YOU ARE BANNED from my premises

1:14 pm



I am telling you again **YOU ARE BANNED** from my premises



1:14 pm

Silly silly man

1:15 pm



I am here at my premises

1:16 pm



Again I recommend you speak to the council planners

1:23 pm



I have your details and passed on to my solicitors. I would recommend that you tell your friends who owns other kebab shop we are opening a nice upmarket restaurant

1:33 pm



I have advised you of planning law to assist you. If you ignore the advice



I have your details and passed on to my solicitors. I would recommend that you tell your friends who owns other kebab shop we are opening a nice upmarket restaurant



1:33 pm

I have advised you of planning law to assist you If you ignore the advice that is your decision .. Do not ever threaten me againwhoever you are . . I will always acknowledge anything my constituents ask of me and respond accordingly. Let me have your solicitors name and address please . Cllr Bill Sharp



1:49 pm

Mr Sharp
If you imply any sort of payment from us I will have to go to police to report to police. ..
I will be dealing with the planning department directly. So I don't need your assistance. So we can't pay you any money.



2:00 pm

Mr Sharp

If you imply any sort of payment from us I will have to go to police to report to police. ..

I will be dealing with the planning department directly. So I don't need your assistance. So we can't pay you any money.

2:00 pm



How dare you suggest such a thing .. I wish to have your name and your solicitors as that is defamation and not something that is acceptable to me . I am on my way to report your allegation to the police right now ..

2:04 pm

You have told my partner we need to look after each other. And you want to assist us.

**Can you explain what that means? ?
I will give you benefit of the doubt.
But please keep away from my premises**

2:07 pm



You have told my partner we need to look after each other. And you want to assist us.



Can you explain what that means? ?
I will give you benefit of the doubt.
But please keep away from my premises

2:07 pm



I said no such thing to your partner as he will verify ..I don't know what you are used to but I have been a well respected cllr for 30 years and I want your name and your solicitors so I can legally pursue your false allegations . I am however pleased you are going through the correct planning process as I suggested
I represent Hadleigh St James Ward and once again you appear to be threAtening me .. Unacceptable behaviour ...

2:17 pm

Maybe you are lucky enough to be cleared of assault of UKIP member



Maybe you are lucky enough to be cleared of assault of UKIP member but please act professional from now on.
Have a nice day



2:20 pm

And please tell how I have threatened you??
I just kindly asking you to keep away from us and let us get on with our work



2:23 pm

The police are informed and i have your comments on my phone . Have a nice day yourself .

2:31 pm

I have already contacted all necessary parties and have informed them .As you know I have the phone records as well



2:33 pm

Good . They prove your guilt as do mine i still have no name . just a





The police are informed and i have your comments on my phone . Have a nice day yourself .

2:31 pm

I have already contacted all necessary parties and have informed them .As you know I have the phone records as well

2:33 pm



Good . They prove your guilt as do mine .i still have no name . Just a malicious caller ..

2:35 pm

A CONTROVERSIAL councillor is trying to bully a local businessman.

2:38 pm



More threats .. Keep them coming no name .

2:38 pm





More threats .. Keep them coming no name .

2:38 pm

**No
I am just trying to tell you that please stop bullying us**

2:39 pm



Your phone comments .. Prove who is trying to bully and who is trying to assist local business .. What a rude arrogant man you are ,. Please ensure you go through the correct planning procedures as I would not like your partner to suffer for your inadequacies. Our conversation is over . But the police will get your details from the system ..enjoy your day ..

2:43 pm

**Sorry I can't reply now
On the phone to local press.
They know you too well.
Having a nice chat about you Mr Sharp.**






2:38 pm

No
I am just trying to tell you that please
stop bullying us



2:39 pm



Your phone comments .. Prove who
is trying to bully and who is trying to
assist local business .. What a rude
arrogant man you are .. Please
ensure you go through the correct
planning procedures as I would not
like your partner to suffer for your
inadequacies. Our conversation is
over . But the police will get your
details from the system ..enjoy your
day ..

2:43 pm

Sorry I can't reply now
On the phone to local press.
They know you too well.
Having a nice chat about you Mr
Sharp.
Have a nice day



2:46 pm

