



STANDARDS COMMITTEE

DATE:	Thursday, 16 May 2024
TIME:	10.00 am
VENUE:	Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Wiggins (Chairman)
Councillor Oxley (Vice-Chairman)
Councillor Alexander
Councillor Baker (substitute for Cllr Oxley)

Councillor J Henderson
Councillor Land
Councillor Newton
Councillor Talbot

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting. Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting. In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio record and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

If you have any queries regarding webcasting or the recording of meetings by the public, please contact Ian Ford Email: iford@tendringdc.gov.uk or Telephone on 01255 686584.

DATE OF PUBLICATION: Thursday, 9 May 2024

AGENDA

7 **Report of the Monitoring Officer - B.1 - Investigator's Report & Findings (Pages 5 - 122)**

This Part B Report provides background information and advice with regard to the Investigator's report and findings.

The B.1 Report and its Appendix and Annexes are now attached.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Standards Committee is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.00 am on Wednesday, 10 July 2024.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

STANDARDS COMMITTEE

16 MAY 2024

REPORT OF THE MONITORING OFFICER

B.1 REPORT OUTCOME OF MEMBERS' CODE OF CONDUCT INVESTIGATION – REFER MATTER FOR A HEARING TO BE CONDUCTED

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

In accordance with paragraph 7 of the District Council's Complaints Procedure, the Monitoring Officer is required to refer a matter for a hearing before the Standards Committee, where an investigation concludes that there is evidence of a failure to comply with the Members' Code of Conduct and the Monitoring Officer has determined informal resolution is not appropriate.

The Part A Report provides background information and advice with regard to the Code of Conduct, legislation and procedures.

This Part B Report appends the Investigation Report and provides additional information and guidance for the Committee to consider through the Hearing process.

EXECUTIVE SUMMARY

The Part A Report (A1) provides a detailed Executive Summary regarding the complaint under consideration by the Committee. Councillor Ernest Gibson ("the Complainant"), an elected Member of South Tyneside Council and the Chairman of the Local Government Association (LGA) Coastal Special Interest Group (SIG) made a complaint ("the Complaint") regarding the alleged behaviour of District Councillor Nick Turner under this District Council's Members' Code of Conduct (**The Code of Conduct is Appendix A to the A1 Report**).

Complaints received relating to the Code of Conduct must be dealt with in accordance with the Council's formally adopted Complaints Procedure, as set out in Part 6 of the Council's Constitution (Part 6.19 to 6.34) (**Appendix B to the A1 Report**), which was adopted by full Council on 26th November 2013. Details of the complaint are referred to within the body of this report and in the **Final Investigation Report attached as Appendix E**.

On the 25th August 2023, the Monitoring Officer decided that it was reasonable and appropriate that the Complaint merited further investigation. The parties were informed of this decision and that an external investigator would be appointed. Section 5 of the Council's Complaints Procedure sets out how an investigation is conducted and under Section 5.6, the Investigation Report must contain a conclusion as to whether the evidence supports a finding of failure to comply with the Code of Conduct. Annex E of the Complaints Procedure sets out the Investigation Procedure.

Mr Melvin Kenyon, of Kenyon Brabrook Ltd, was appointed as the external investigator. The complaint and the Monitoring Officer's Decision Notice was used to define the scope of the investigation (as set out in Section 5 of the Investigation Report). Councillor Turner's initial response to the Complaint is included at section 5.2 of the Investigation Report.

Following a thorough investigation (the approach and formal interview methodology is set out in Section 6 of the Investigation Report) it was concluded that there was sufficient evidence to show that Councillor Turner, based on a balance of probabilities and the evidence available, had breached Paragraphs 1.1, 1.2, 2.3 and 5.1 of the Council's Code of Conduct. Further information on Capacity and the Findings are referenced below.

Both parties had the opportunity to comment on the draft Investigation Report and the findings contained therein. Through consideration of the draft report, Councillor Turner did not indicate that he disputed the contents, the evidence presented or that he would wish to make further representations to those included within his interview. Councillor Turner's response is set out in Section 6.3 of the Investigation Report. The Investigation Report was finalised on 10th January 2024 and formally sent to Councillor Turner on 23rd February 2024.

If an investigation concludes that there is evidence of a failure to comply with the Code of Conduct, the Council's Complaints Procedure at Section 7.1 provides the Monitoring Officer with the authority to obtain an informal resolution, in consultation with the Independent Person, where it can reasonably be resolved without the need for a hearing by the Standards Committee.

Although the procedure does not require consultation with an Independent Person if the Monitoring Officer considered informal resolution was not an appropriate course of action, and that the matter should be referred for a hearing before the Standards Committee, it was considered, by the Monitoring Officer that seeking their view was beneficial, prior to making the decision. The consultation response is contained later on in the report.

Councillor Turner and the Complainant were notified that the Monitoring Officer had exercised her discretion to refer the matter to the Standards Committee so that the Investigation Report could be considered by Members through the hearing process.

HEARING & DECISION:

The Standards Committee conducts a hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

In accordance with paragraph 7.1.2 of the Council's Complaints Procedure the Investigator's Report will be kept confidential and will remain in Part B, until the day of the hearing to protect the parties. Advice as to the exclusion of public and press is contained within the Part A report (A1).

Procedures relating to the hearing are set out within the body of the A1 Report and attached as **Appendix C to that report**.

INVESTIGATION REPORT & EVIDENCE

The report should be treated as an explanation of all the essential elements of the case and a justification for why the Investigation has concluded that there has been a breach of the Code of Conduct or not. The report should cover the agreed facts, any disputed facts, whether those facts amount to a breach of the Code or not; and the reasons for reaching

that conclusion.

In many cases, the Committee may not need to consider any evidence other than the Investigation Report and any other supporting documents. However, the Committee may need to hear from witnesses if more evidence is needed, or if people do not agree with certain findings of fact in the report.

The Standards Committee must determine whether, having considered the report and the evidence presented, Councillor Turner was acting 'in capacity', despite not being formally appointed to the LGA Coastal SIG as an Outside Body on behalf of Tendring District Council.

Should the Standards Committee, following consultation with the Independent Person determine, on a balance of probabilities that Councillor Turner has failed to comply with the Members' Code of Conduct, they have the power to take action as may be relevant, proportionate, and necessary to promote and maintain high standards of conduct. The actions available to the Standards Committee are set out in Paragraph 8.1 of the Complaints Procedure and included within the A1 Report.

RECOMMENDATION

That the Standards Committee in undertaking a Hearing in accordance with the Council's Hearing Procedures, as set out in Appendix C to report A1:-

- (a) determines, on a balance of probabilities, whether Councillor Nick Turner was acting 'in capacity' at the meetings of the Local Government Association Coastal Special Interest Group on 5th and 29th June 2024 and if so;**
- (b) whether, on a balance of probabilities, he failed to comply with Paragraphs 1.1, 1.2, 2.3 and/or 5.1 of the District Council's Members' Code of Conduct (with detailed reasons to be provided to support that determination);**
- (c) subject to (b), determine what action, if any, the Committee should take as a result of any such found failure, following consultation with an Independent Person; and**
- (d) considers any further recommendations arising through the Hearing Procedure.**

REASONS FOR THE RECOMMENDATIONS

Complaints received relating to Code of Conduct must be dealt with in accordance with the Council's formally adopted Complaints Procedure, as set out in Part 6 of the Council's Constitution (Part 6.19 to 6.34) (**Appendix B to the A1 Report**), which was adopted by full Council on 26th November 2013.

Paragraph 7 of the Complaints Procedure - what happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

- 7.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and will then either refer the matter for a hearing before the Standards Committee or Sub-Committee or in consultation with one of the Independent Persons seek an informal resolution or mediation.

Having read the Investigation Report, it is noted that Councillor Turner had offered a further apology for offense caused by his actions, which was described as unintended and unconscious on his part. However, the Monitoring Officer did not consider these as being appropriate or proportionate and she therefore determined to refer the matter to the Standards Committee for a hearing to be undertaken by Members.

ALTERNATIVE OPTIONS CONSIDERED

As set out in the Part A Report (A1) within the Standards Committee agenda.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

As set out in the Part A Report (A1) within the Standards Committee agenda.

MEMBERS’ CODE OF CONDUCT

Under Section 27(2) of the Localism Act, on 22nd November 2022, the Council adopted a new, revised Tendring District Council Members’ Code of Conduct with a commencement date of 23rd May 2023. In doing that, it adopted the Local Government Association Model Code of Conduct which had been drafted in 2020 (version 3).

The Code deals with the conduct that is expected of Members and co-opted Members of the Council when they are acting in that capacity as required by Section 27 of the Localism Act.

The Code is intended to be consistent with the Seven Principles of Public Life – the Nolan principles. These are referred to in the preamble to the Code, under the heading “General Principles of Councillor Conduct” and are attached as Appendix A of the Code.

The Code applies whenever a person is acting in their capacity as a Member or co-opted Member of the Council. In the preamble, under the heading “Application of the Code of Conduct”, the Code says that it applies: “when you are acting in your capacity as a councillor which may include when you misuse your position as a councillor and when your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor”.

In making the Complaint the Complainant referred specifically to General Conduct, Paragraphs 1.1, 1.2, 2.3 and 5.1 of the Code.

General Conduct

1. Respect

As a Councillor:

1.1 I treat other councillors and members of the public with respect

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play

2. Bullying, harassment and discrimination

As a Councillor:

2.3 I promote equalities and do not discriminate unlawfully against any person

5. Disrepute

As a Councillor:

5.1 I do not bring my role or local authority into disrepute

LEGAL REQUIREMENTS

Legislation and Constitutional matters are addressed in the Part A (A1) Report.

While an investigation under the Localism Act 2011 is not covered by the right to a fair hearing under Article 6 of the European Convention on Human Rights as the outcome of any hearing will not impact upon the rights of the councillor to carry on the role as a councillor, any investigation must nevertheless abide by the principles of natural justice (R (*Greenslade*) v *Devon County Council* 2019). That means that the councillor must know what they are accused of and be given the opportunity to comment on the allegations.

Any investigation should therefore bear in mind some key principles:

73. Proportionality: That is, the investigation should strive to be proportionate to the seriousness or complexity of the matter under investigation. Where a matter is straightforward or relatively simple, for example, where the facts are not in dispute, there may be no need for any formal investigation, but a report can simply be written up.
74. Fairness: The investigation should make sure that the subject Member knows what they are accused of and has an opportunity to make comments on the investigation, including on a draft report.
75. Transparency: As far as is practical and having regard to an individual's right to confidentiality, investigations should be carried out as transparently as possible – all parties should be kept up to date with progress in the case.
76. Impartiality: An investigator should not approach an investigation with pre-conceived ideas and should avoid being involved where they have a conflict of interest.

The Investigation Report must make one of the following findings on the balance of probabilities that:

77. there have been one or more failures to comply with the Code of Conduct; or
78. there has not been a failure to comply with the Code.

If the Monitoring Officer decides the matter should be referred for a hearing, the Investigation Report should be accompanied by information explaining that a hearing will be held and the procedure to be followed. Councillor Turner was notified on 29th January 2024 that the matter would be referred for a hearing and he was provided with a copy of the Hearing Procedures adopted and approved in March 2014. Councillor Turner was subsequently provided (on 7th May 2024) with the revised Hearing Procedures approved

by the Standards Committee on 24th April 2024 and he was requested to confirm the following information in writing:

79. whether he would wish to be represented at the hearing and if so, by whom;
80. whether he disagreed with any of the findings of fact in the investigation report, including reasons for any of these disagreements;
81. whether he would wish to give evidence to the hearing, either verbally or in writing;
82. whether he would wish to call relevant witnesses to give evidence to the Standards Committee;
83. whether he would request any part of the hearing to be held in private; and
84. whether he would request any part of the investigation report or other relevant documents to be withheld from the public.

An update will be provided to the Committee prior to the meeting. Councillor Turner was previously notified that the Investigator was not intending on calling any of the witnesses who had given evidence through the investigation. Further information is set out with regards to witnesses later on within the Report.

HUMAN RIGHTS ACT 1998

Section 6 of the 1998 Act states it is unlawful for a public authority to act in a way which is incompatible with a Convention right.

Article 10(1) of the European Convention on Human Rights gives a right to freedom of expression which includes the right to hold opinions and to receive and impart information and ideas without interference by a public authority, subject in Article 10(2) to qualification in respect of such specified public interest such as "formalities, conditions, restrictions or penalties as are prescribed by law". The judgment of Hickinbottom J in [Heesom v. Public Services Ombudsman for Wales](#) [2014] EWHC 1504 (Admin) considered the scope of, and legitimate restrictions to, a politician's right of freedom of expression under article 10 of the European Convention on Human Rights ("the ECHR") and at common law and provided a useful structure to follow when considering allegations and evidence in relation matters which could concern Article 10. The relevant paragraphs are set out below to demonstrate the decision making process and matters to take into account in the balancing exercise.

Paragraph 50 of the Judgement:

In considering that issue, the case tribunal adopted the three-stage process used by Wilkie J in [Sanders No \(1\)](#) (at [72]), and by Beatson J in [Calver](#) (at [39]), which the tribunal set out as follows:

- "1. Can we as a panel as a matter of fact conclude that the [Appellant's] conduct amounted to a relevant breach of the Code of Conduct?*
- 2. If so, was the finding of a breach and the imposition of a sanction prima facie a breach of article 10?*
- 3. If so, is the restriction involved one which is justified by reason of the requirement of article 10 subparagraph 2."*

Question 1 requires consideration of the Code of Conduct interpreted without reference to article 10 rights, those being taken into consideration in question 2. Those three questions go

primarily to breach. The tribunal considered the actual sanction to be imposed separately, in their Sanction Decision. It is rightly common ground before me that, if article 10 is engaged and a prima facie breach of it found, then the actual sanction imposed has to be proportionate and justified under article 10(2).

Paragraph 53 of the Judgement:

53. Therefore, on the Wilkie J approach, the questions for me to consider in this appeal with regard to breach are as follows:

i) Leaving aside any restriction on interpretation as a result of article 10 and common law rights of freedom of expression, was the case tribunal entitled as a matter of fact to conclude that the Appellant's conduct in respect of each of incidents of which complaint was made breached the provisions of paragraphs 4 and/or 6 of the relevant Code of Conduct?

ii) If so, was the finding in itself a prima facie breach of article 10(1)?

iii) If so, was the restriction involved by the finding justified by reason of article 10(2)?

Paragraph 73 of the Judgement:

73. Furthermore, the general approach of the case tribunal to breach cannot be faulted. They referred to the three-stage approach of Wilkie J in Sanders No 1 – as I have indicated, appropriately setting out the questions they needed to answer – and they rigorously and meticulously applied that approach to each alleged breach of the Codes of Conduct. In respect of several, they found that, although the Appellant was in breach of the Code on the basis of a bare interpretation of its provisions, to make a finding of breach would breach the Appellant's article 10 rights (e.g. the use of the words "a shambles" and "shambolic" to describe the management of the Adult Social Services Department at the Scrutiny Committee meeting on 14 February 2007 (see paragraph 91(i) below)). Of course, this court is required to exercise particular scrutiny because of rights of expression involved – often, here, with enhanced protection. However, the assessment of whether the facts as found amounted to (say) a failure to show respect and consideration to others in circumstances such that it was necessary to restrict the Appellant's right of freedom of speech requires an evaluative judgment involving a number of factors (including the restriction of the right to speak) that have to be weighed together. Therefore, despite the small margin of appreciation in respect for article 10 in the political arena, the matter involves a relatively open-textured standard upon which many factors operate. Consequently, this court should be cautious before interfering (see paragraph 46(v) above).

Paragraph 46(v) of the Judgement:

46. Of course, the extent of the deference to be given will depend upon the nature of the issue involved, and the circumstances of the case (see E I Dupont De Nemours & Co v S T Dupont [2003] EWCA Civ 1368 at [94] per May LJ). The greater the advantage of the tribunal below, the more reluctant the appeal court should be to interfere (Assicurazioni Generali at [15]). Applying that general proposition, the courts have considered a wide spectrum of cases.

v) Similarly, where an evaluative judgment has to be made on the primary facts, involving a number of different factors that have to be weighed together. In respect of such open-textured issues, Beatson J said in Calver (at [46]):

"The relevant legal principles in this area do not provide the panel or the court with bright

lines... They lead to a process of balancing a number of interests."

R (Mullaney) v Adjudication Panel for England [2009] EWHC 72 (Admin) at [95]-[96] per Charles J is to the same effect. These are therefore matters of balance and degree, in respect of which different tribunals could legitimately come to different conclusions: and the more factors there are to weigh, and/or the vaguer the standard being applied, the more reluctant an appellate court will be to interfere (Assicurazioni Generali at [18], citing with approval Pro Sieben Media AG v Carlton UK Television Limited [1999] 1 WLR 605 at page 612).

Paragraph 99 of the Judgement:

99. I accept that the balancing exercise in respect of this incident required care; but the tribunal clearly had the enhanced protection of article 10 well in mind – that is clear from paragraph 15 of the Breach Decision – and also the private and public interests that were on the other side of the balance. Their consideration of these matters was meticulous, and their analysis unimpeachable. In the circumstances, I cannot say that the tribunal's conclusion that this was a breach of the Code, and their finding of such breach was proportionate and justified under article 10(2), were wrong.

Paragraphs 147-149 of the Judgement:

147. The Appellant does not now challenge the finding that the words were said, nor could he. The consideration and analysis of the evidence by the tribunal over 21 pages (paragraphs 6.1-6.28 of the Findings of Fact) are meticulous. Mr Henderson simply submits that there is no basis for the conclusion that the Appellant's right of free speech – with its enhanced protection – could be overridden in this case.

148. I disagree. The case tribunal set out why they considered a finding of breach was proportionate and justified (paragraph 42 of the Breach Decision):

"The comments are made in the context of a course of conduct detrimental to Susan Lewis. Comments were said to an officer directly accountable and answerable to Susan Lewis. They were made early after Maureen Harkin had commenced work with the Authority. They were said with the intention of undermining Susan Lewis. The Respondent had been advised previously in writing by the Chief Executive of the appropriate route and procedure, in particular appraisal, to follow if he had issues as to Susan Lewis's performance."

149. In my view, those reasons are compelling. I cannot say that the tribunal's conclusion was wrong.

Guidance on the Local Government Association Model Councillor Code of Conduct dated 8th July 2021 (Appendix D – Part A (A1)):

Speaking about freedom of expression the Guidance says: "The requirement to treat others with respect must be balanced with the right to Freedom of Expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply-held beliefs of others.

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on

freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.”

BACKGROUND & SUMMARY OF THE INVESTIGATOR’S INVESTIGATION & CONCLUSIONS:

SUMMARY OF COMPLAINT

A complaint was received in August 2023 from Councillor Ernest Gibson (“the Complainant”), an elected Member of South Tyneside Council and the Chairman of the Local Government Association Coastal Special Interest Group (“SIG”) regarding the alleged behaviour of District Councillor Nick Turner under the District Council’s adopted Members’ Code of Conduct

The Complaint referred to the alleged behaviours at two virtual meetings of the SIG on 5th June and 29th June 2023, in that Councillor Turner had contravened the Council’s adopted Members’ Code of Conduct and, in particular, Paragraphs 1.1, 1.2, 2.3 and 5.1 of the Code (details set out in the Members’ Code of Conduct section above).

The Full Details of the Complaint are contained within the Investigator’s Report (Appendix E) at Section 5.1.

COUNCILLOR’S RESPONSE:

Full details of the Subject Member Response to the Complaint are set out in Section 5.2 of the Investigator’s Report.

DECISION NOTICE TO REFER FOR EXTERNAL INVESTIGATION:

In her 25th August 2023 Decision Notice the Monitoring Officer:

- (i) presented the relevant paragraphs of the Members’ Code of Conduct;
- (ii) summarised the Complaint (not repeated here);
- (iii) summarised the Subject Member’s response (not repeated here);
- (iv) made a recommendation that an external investigation take place “due to the circumstances and the seriousness of the allegations” (detail not repeated here);
and
- (v) gave the reasons for her decision (as set out within the A1 Report).

INVESTIGATION:

The Complaint and the Monitoring Officer’s Decision were used as the Scope of the Investigation.

The Formal Interview Methodolgy is set out in Section 6.2 of the Investigator’s Report, confirming that evidence was gathered at formal interviews from the following people (listed in the order in which the Investigator interviewed them):

- (i) Councillor Ernest Gibson – Complainant, Chair of the LGA Coastal Special Interest Group and a South Tyneside Councillor;
- (ii) Sidonie Kenward - Marine and Terrestrial Planner at the Marine Management Organisation;
- (iii) Beccy MacDonald-Lofts – Lead Officer for the LGA Coastal Special Interest Group;
- (iv) Ross MacLeod - Public Affairs Manager (Water Safety), RNLI;
- (v) Rhys Hobbs - Environmental Resilience and Adaptation Manager, Cornwall Council;
- (vi) Councillor Derek Bastiman – Deputy Chair of the LGA Coastal Special Interest Group and North Yorkshire Councillor;
- (vii) Alysha Stockman - Partnerships Engagement Support Officer at East Suffolk Council;
- (viii) Councillor Noel Galer – Great Yarmouth Councillor;
- (ix) Councillor Nick Turner – Subject Member and Tendring District Councillor; and
- (x) Nick Hardiman – Expert Adviser – Coast |National FCRM at the Environment Agency.

INVESTIGATION FINDINGS – Section 7 of the Investigation Report

In the course of every investigation whether a subject member is “in capacity” must be established. Councillors must actually be engaged on council business or commenting on council business or acting as a representative of the authority to be deemed “within capacity”. If a subject member is not found to be in capacity, then a code of conduct is not engaged.

In this case, the Monitoring Officer specifically requested the Investigation:-

“to explore how and in what capacity Councillor Turner was attending the LGA Coastal SIG, [since] this is not an Outside Body appointment made by the Leader. It is however, disclosed as an Other Registerable Interest on Councillor Turner’s form. I have been informed Council officers may have attended with him in the past.”

“Whilst acknowledged from the information on the LGA Coastal SIG, Tendring District Council is a member [of the SIG] and it would appropriate [for it] to be so, [yet] this is not an outside body we have appointed to, or [for which we] can locate membership details. Although, the officer who may have had the records, has recently left the Council.”

The Investigation Report sets out in detail what does ‘*In capacity mean*’ with reference to case law and the Local Government Association’s supporting guidance. Information is provided regarding the Council’s Records for Outside Bodies, its website, expenses claimed, subscription invoices paid and Councillor Turner’s Register of Interests. Details of interviews with Councillor Turner, Councillor Gibson and Beccy MacDonald-Lofts in Section 7.4 of the Investigator’s Report provide evidence as to whether Councillor Turner was acting ‘in capacity’ at the LGA’s Coastal SIG. Evaluation and Conclusions on ‘*in capacity*’, are set out in section 9.1.1 of the Investigator’s Report and the Monitoring Officer agrees with this assessment and would have no reason to depart from it. The Standards Committee must determine whether, having considered the Report and the

evidence summarised, Councillor Turner was acting in capacity, even though he was not formally appointed to the LGA Coastal SIG as an Outside Body on behalf of Tendring District Council.

ALLEGATIONS:

Section 9.2. of the Investigator's Report looks at the potential breaches of four paragraphs of the Code as identified by the Complainant and reference is made to the LGA's Guidance (Appendix D to the Part A Report (A1)). The detail of Section 9.2 is not repeated here but the Committee is expected to pay particular attention to the content under each allegation and the application of the Code, the Guidance and the evaluation and conclusions of the evidence in respect of both meetings held on 5th and 29th June 2023.

The Monitoring Officer, in referring the outcome of the Investigation to the Standards Committee for determination after undertaking a Hearing and with due regard to the requirements of decision making by a public authority, wishes to draw the Committee's attention to the protection and right of freedom of expression afforded by Article 10, and that interference with this right must be justified, necessary and proportionate in addition to the positive duties to promote and eliminate discrimination under the Equality Act 2010.

RESPECT

Addressing the question of whether the Respect provision of the Model Code is 'a gag on councillors', the Guidance says:

"This provision of the Code (Paragraph 1) is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillors' arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their opinions and concerns in forceful terms. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The code is not intended to stifle the expressions of passion and frustration that often accompany discussions about local authority business."

Speaking about freedom of expression the Guidance says: *"The requirement to treat others with respect must be balanced with the right to Freedom of Expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply-held beliefs of others.*

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points

of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.”

DISCRIMINATION

“The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your authority may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way, which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority’s fulfilment of its positive duties under the Act. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your authority you should seek advice from the monitoring officer or parish clerk.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person’s identity defined by the Equality Act 2010.”

DISREPUTE

The Guidance says the following about disrepute:

“As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public’s confidence in your ability to discharge your functions as a councillor or your local authority’s ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor’s behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:

- 1. reducing the public’s confidence in them being able to fulfil their role; or*
- 2. adversely affecting the reputation of your authority’s councillors, in being able to fulfil their role.*

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute.

EVALUATION - 5th JUNE MEETING:

The Committee are guided to Section 9.2.5 of Appendix E, to consider the Investigator’s evaluation of the conduct described to have taken place at the 5th June 2023 meeting and the evidence provided by the witnesses and Councillor Turner himself. As Monitoring Officer, presenting this report, the following text was particularly important and in her view

summarises the conclusion that there is sufficient evidence on a balance of probabilities to support that the Code of Conduct was breached by Councillor Turner at this meeting:

“When we spoke to Cllr Turner, he suggested that his behaviour as described in the Complaint, was an exaggeration and was not sufficient to breach the Code. However, at the same time, he seemed to us to be recognising that his behaviour had not been acceptable. Amongst other words, he described himself as having been “out of court”. He had “instantly realised [he] was becoming disruptive”, he “definitely went too far”, was “robust” and “firm”. He recognised that he had “upset people” and that he was a “contentious” person. “They may not like it, but I stick to my guns”, he said. However, he denied making “personal attacks” saying “they are being paranoid”. In any event, he saw fit to “apologise unreservedly for any offence given”.

When we spoke to Cllr Turner we were left in no doubt that he feels strongly and passionately about defending the coastline in Frinton (and, indeed, about other local issues). But, at the same time, it appeared to us that he had failed to control his strength of feeling at the 5th June meeting and that the Chair of the meeting also failed in her efforts to control him. His passion for his town cannot serve as anything other than an explanation for his unacceptable behaviour at the meeting. It does not excuse that behaviour.

In behaving as he did we conclude that Cllr Nick Turner breached the Tendring District Council Code of Conduct by showing a lack of respect by attacking in a personal way two of those who attended the meeting and by failing more generally to respect others who had attended the meeting. In behaving as he did he brought his own role as a councillor into disrepute and, in acting as he did whilst he was a representative of Tendring District Council on an outside body, he brought his Council into disrepute.”

EVALUATION - 29th JUNE MEETING:

The Committee are guided to Section 9.2.6 of Appendix E, to consider the Investigator's evaluation of the conduct described to have taken place at the 29th June 2023 meeting and the evidence provided by the witnesses and Councillor Turner himself. As Monitoring Officer, presenting this report, the following text was particularly important and in her view summarises the conclusion that there is sufficient evidence on a balance of probabilities to support that the Code of Conduct was breached by Councillor Turner at this meeting:

“To some extent his behaviour on 29th June appeared to mirror his behaviour at the 5th June meeting.

- *Interviewees referred to Cllr Turner's derogatory comments about an external organisation, on this occasion the RNLI, with which he had “an axe to grind”.*
- *He made what felt like a personal attack, this time on Ross MacLeod who was at the meeting to represent the RNLI.*
- *Witnesses spoke of his unwillingness to be diverted away from trying to focus on the business of the meeting on issues local only to him – this time, for example, in challenging the RNLI's decision to change the class of lifeboat in Walton and Frinton.*
- *They spoke of his behaviour being part of a pattern over the years.*
- *Cllr Turner showed a “low level of self-awareness” and was “oblivious to the offence*

he was causing”.

- Witnesses said he was “not helpful or constructive”, he was “very rude”, “derogatory” and “offhand”. He was disrespectful towards others - “He sees no good in the efforts of anyone else and just doesn’t accept other people’s comments, decisions, or explanations.”
- They spoke of Cllr Turner being “in transmit mode”; he “wasn’t willing to listen to what other people had to say”.
- In behaving as he did, in the eyes of some, he damaged the reputation of the SIG, this time in front a much larger audience, some of whom had not attended previously.
- Once again Cllr Turner felt that he had to “apologise unreservedly for any offence given”.

Based on this evidence we conclude that Cllr Turner again breached the Tendring District Council Code of Conduct by showing a lack of respect by attacking a representative of an external organisation in a personal way and by failing more generally to respect others who had attended the meeting. In behaving as he did he brought his own role as a councillor into disrepute and, in acting as he did whilst he was a representative of Tendring District Council on an outside body, he brought his Council into disrepute.

However, during this meeting, Cllr Turner went further than he had done at the 5th June meeting.

...

On the balance of probability we therefore tend to the conclusion that Cllr Turner made the remarks he made out of ignorance rather than malice and that his language was clumsy and patronising rather than being rooted in what might be described as out-and-out racism, which might have attracted criminal sanction.

Notwithstanding his motives, based on the evidence available to us and the balance of probability, it appears to us that Cllr Turner breached the Tendring District Council Code by exhibiting discriminatory behaviour. In particular (and using the words of the Guidance), he (i) made comments, slurs, jokes, statements, questions, or gestures that were derogatory or offensive to an individual’s or group’s characteristics; (ii) promoted negative stereotypes relating to individual’s or group’s characteristics; (iii) made racial or ethnic slurs, insults or jokes: and (iv) showed intolerance toward religious customs.

In reaching that conclusion we note what appear to be pertinent words from the Guidance which say, “A councillor’s personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as “unconscious bias” and it can lead people to make decisions based on biases or false assumptions. Councillors need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.”

We also note and agree with the words of an interviewee who appeared to us to be saying that, even though she did not feel personal offence at what he had said, Cllr

Turner's behaviour had reflected badly on the community he represented as a councillor. In other words, he had brought Tendring District Council into disrepute."

The draft report was shared with the Complainant and the Subject Member. Councillor Turner's response is included at Section 6.3 of the Investigator's Final Report.

CONCLUSIONS FROM INVESTIGATION

Based on the balance of probabilities and the evidence available, that:

1. Councillor Nick Turner breached paragraph 1.1 of the Tendring District Council Code of Conduct by failing to treat other councillors with respect.
2. Councillor Turner breached paragraph 1.2 of the Code by failing to treat local authority employees, employees, and representatives of partner organisations with respect and failing to respect the role they play.
3. Councillor Turner breached paragraph 2.3 of the Code by failing to promote equalities and behaving in a discriminatory manner.
4. Councillor Turner breached paragraph 5.1 of the Code by bringing his own role and Tendring District Council into disrepute.

The Investigator's evaluation and conclusions on capacity, and the allegations are set out in detail in Section 9 of the Investigator's Report.

Having considered the Investigation Report thoroughly, the evidence presented, Councillor Turner's responses at the interview and to the draft report, the Monitoring Officer is in agreement with the conclusions reached through the investigation and in accordance with the Complaints Procedure, has referred the matter to the Standards Committee to hold a hearing, to determine whether Councillor Turner's behaviour constitutes a breach of the Code of Conduct on all four paragraphs.

CONSULTATION WITH INDEPENDENT PERSON PRIOR TO HEARING STAGE

From Lisa Hastings, Monitoring Officer to Independent Person via email on 25th January 2024:

"Dear Jane,

Further to Karen's email and to progress to the next stage of the process, in respect of the complaint against Cllr Turner, I am required to decide either to refer the matter for a hearing before the Standards Committee or in consultation with one of the Independent Persons seek an informal resolution or mediation. I have included the relevant extracts from the procedure for ease of reference

Although the procedure does not require me to consult an Independent Person if I consider that informal resolution is not an appropriate course of action, and that the matter should be referred for a hearing before the Standards Committee, I feel seeking your views would be beneficial.

Councillor Turner offered an apology at the outset, when the complaint was received, however, at the time I considered this to be an apology which did not demonstrate being sorry for the alleged conduct, it appeared more about that others were offended by his actions and a lack of the impact of those behaviours. Throughout the investigation,

Councillor Turner has offered further apologies and these are captured within the Investigator's Report however, again, I do not consider these to be sufficient to recognise the seriousness and scale of the complaint, the national platform on which the behaviours were witnessed, the number of agencies involved and the potential damage to Tendring District Council. There is no acceptance of the Code of Conduct, breaches thereof, even having seen the final report and an apology has not been given to TDC. Therefore, in the circumstances, I feel that it is not appropriate to seek a further apology but to refer the matter to the Standards Committee for a hearing to be undertaken by Members."

Reply from Independent Person to Monitoring Officer via email on 25th January 2024.

"Dear Lisa,

Having read the investigator's report, I am in complete agreement with you - I don't think either mediation or an informal resolution is appropriate in this case.

I don't think Councillor Turner believes that his conduct needs to change; he seems to think that others are too sensitive if they find him disrespectful, overbearing or are offended by what he says.

Kind regards,

Jane"

HEARING PROCEDURES & EVIDENCE

Paragraph 7 of the Complaints Procedure - what happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct? Full Details on the Council's procedures are provided within the Part A Report (A1).

Hearing Procedures:

The Council's Hearing Procedures were reviewed and amended by the Standards Committee at its meeting held on 24th April 2024 (Minute No. 22). This procedure supplements Section 7.1.2 of the Council's Complaints Procedure and a copy has been provided to Councillor Turner. Upon receipt of the notification that a Hearing was required and of a copy of Hearing Procedures, Councillor Turner requested the Investigator to call witnesses in support of his report. This was not considered necessary however, witness statements were provided for the following witnesses and these statements are attached as Annex 1-9:

- Annex 1 – witness statement of Cllr Ernest Gibson, Chair of the LGA Coastal Special Interest Group and a South Tyneside Councillor
- Annex 2 – witness statement of Sidonie Kenward, Marine and Terrestrial Planner at the Marine Management Organisation
- Annex 3 – witness statement of Beccy MacDonald-Lofts, Lead Officer the LGA Coastal Special Interest Group
- Annex 4 – witness statement of Ross MacLeod, Public Affairs Manager (Water Safety), RNLI
- Annex 5 – witness statement of Rhys Hobbs, Environmental Resilience and Adaptation Manager, Cornwall Council
- Annex 6 – witness statement of Cllr Derek Bastiman, Deputy Chair of the LGA Coastal Special Interest Group and North Yorkshire Councillor

- Annex 7 – witness statement of Alysha Stockman, Partnerships Engagement Support Officer at East Suffolk Council
- Annex 8 – witness statement of Cllr Noel Galer, Great Yarmouth Councillor
- Annex 9 – witness statement of Nick Hardiman, Expert Adviser – Coast National FCRM at the Environment Agency

Councillor Turner requested that the following witnesses were called on his behalf so that his team could question them at the hearing. Requests were sent, however, all of them who responded declined to attend, wishing to rely on their written statements only. Beccy Macdonald-Lofts however, did agree to answer any written questions from Councillor Turner, the Chairman of the Committee or the Committee itself. Councillor Turner has been provided with the information, which has been acknowledged, any response received will be provided to the Committee.

WITNESS	ORGANISATION	RESPONSE
Sidonie Kenward	Senior Marine Planner, Marine Management Organisation	Thank you for the opportunity to attend however I politely decline. My detailed statement covers everything.
Ross MacLeod	Public Affairs Manager (Water Safety), RNLI	Thanks for the email and apologies for the delay. After careful consideration I've decided to politely decline Cllr Turner's request to attend the hearing as I don't have anything further to add to the information already provided.
Beccy MacDonald-Lofts	Lead Officer, Local Government Association Coastal Special Interest Group Co-Secretariat All Party Parliamentary Group for Coastal Communities	Unfortunately, I will be away attending a conference in Blackpool on that day and so it is looking very unlikely that I will be able to attend. However, if Cllr Turner, the Chair or Committee have any questions for me please do feel free to send them over and I will send you a written response.
Councillor Gibson	South Tyneside Council	No response received
Councillor Bastiman	Conservative member of North Yorkshire Council	No response received
Councillor Noel Galer	Great Yarmouth Councillor	No response received

Nick Hardiman	Expert Adviser – Coast National FCRM at the Environment Agency	No response received
Rhys Hobbs	Environmental Resilience and Adaptation Manager, Cornwall Council	No response received

EVIDENCE

The Committee, through its chairman, controls the procedure and evidence presented at a hearing, including the number of witnesses and the way witnesses are questioned. The Local Government Association’s Guidance on Member Model Code Complaints Handling issued in 2021 states:

“In many cases, the panel may not need to consider any evidence other than the investigation report and any other supporting documents. However, the panel may need to hear from witnesses if more evidence is needed, or if people do not agree with certain findings of fact in the report”.

“The panel can ask that these questions be directed through the chair. The panel can also question witnesses directly and the Independent Person should also be asked if they wish to ask any questions.”

“If the panel believes, however, that questions are irrelevant or oppressive then the chair should stop that particular line of questioning.”

Generally, the subject member is entitled to present their case as they see fit, which includes calling the witnesses they may want and which are relevant to the matters to be heard. However, the panel has the right to govern its own procedures”

MATTERS FOR CONSIDERATION BY THE COMMITTEE

The Committee will receive and consider the Investigator’s Report, its findings on capacity and the complaint, witness evidence and representations submitted during the hearing from both the Investigator and the Respondent Councillor and form an evaluation of the evidence, findings and conclusions within the Investigator’s Report.

The Committee is required to determine:

- (a) was Councillor Turner acting in official capacity; and if so
- (b) is there sufficient evidence to satisfy, on a balance of probabilities, that one or more of the following paragraphs of the District Council’s Code of Conduct were breached:
 - (i) Paragraph 1.1 – I treat other councillors and members of the public with respect;
 - (ii) Paragraph 1.2 – I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play;

- (iii) Paragraph 2.3 - I promote equalities and do not discriminate unlawfully against any person; and
- (iv) Paragraph 5.1 – I do not bring my role or local authority into disrepute.

Once considering whether on a matter of fact and balance of probabilities that the conduct complained of breached the Code of Conduct, consideration should be given to Article 10. In that does this finding, in itself a prima facie breach of Article 10 and if so, whether an interference can be justified through being necessary and proportionate, in balancing the private and public interests that were on the other side.

CONSULTATION WITH THE INDEPENDENT PERSON

In accordance with the Localism Act 2011 and as set out in paragraph 10.3 of the Complaints Procedure, the Standards Committee must consult an Independent Person on their views and take these into consideration before making their decision (following their deliberations) as to whether a Councillor's behaviour constitutes a failure to comply with the Code of Conduct. Should the Committee determine a failure to comply with the Code of Conduct has been found, an Independent Person must be consulted on their views and taken into consideration before the Standards Committee takes any decision as to any action to be imposed. Full details of the Consultation requirements with Independent Persons are set out in Part A Report (A1).

SANCTIONS

The sanctions which are afforded to the Committee at Section 8 of the Complaints Procedure are as follows:-

8. What action might the Standards Committee or Sub-Committee take where a Member has failed to comply with the Code of Conduct?

8.1 The Standards Committee or Sub-Committee has the power to take action in respect of individual Members as may be relevant and proportionate, and necessary to promote and maintain high standards of conduct. Accordingly the Standards Committee or Sub-Committee may:-

- 8.1.1 Publish its findings in respect of the Member's conduct on the Council's website;
- 8.1.2 Report its findings to Council (*or to the Town or Parish Council*) for information;
- 8.1.3 Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committee) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.1.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.1.5 Instruct the Monitoring Officer to (*or recommend that the Town or Parish Council*) arrange training for the Member;
- 8.1.6 Recommend to the relevant Group Leader (or in the case of un-grouped members, recommend to Council or to Committee) that the Member be removed (*or recommend to the Town or Parish Council that the Member be removed*) from all outside appointments to which he/she has been appointed or nominated by the authority (*or by the Town or Parish Council*);
- 8.1.7 Recommend to relevant Group Leader (or in the case of un-grouped

Members, recommend to Council or to Committee) the withdrawal of (*or recommend to the Town or Parish Council that it withdraws*) facilities provided to the Member by the Council, such as a computer, website and/or email and internet access; or

8.1.8 Recommend to the relevant Group Leader (or in the case of un-grouped Members, recommend to Council or to Committee) the exclusion of (*or recommend that the Town or Parish Council exclude*) the Member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.2 In each circumstance, where the Member subject of the complaint is the Group Leader, appropriate alternative arrangements will be required, this will be dependent upon whether the Group has allocated a Deputy to undertake this role, involve the Group Leader directly or an independent individual or suitable alternative, depending upon the circumstances.

8.3 In each circumstance, where the Standards Committee or Sub-Committee recommend the Group Leaders take action, it is expected that the Group Leader will within 6 weeks of the referral to them, or as soon as reasonably practicable thereafter, submit a report back to the Standards Committee or Sub-Committee giving details of the action taken or proposed to comply with the Committee's direction.

8.4 The Standards Committee or Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' special responsibility allowances.

The Monitoring Officer noted in her Decision Notice of 25th August 2023 that, pending completion of the Investigation, "the Leader of the Conservative Party, Cllr G Guglielmi, has suspended Cllr Turner from the Conservative Party and removed him from Committees whilst the investigation takes place. The Leader of the Council has done the same with regards to outside bodies." Since this time, Councillor Turner has left the Conservative Political Group on the Council and has sat as a non-aligned Councillor. At the time of writing, the Councillor Turner does not serve on any Council committees or outside bodies on behalf of the Council.

APPENDICES

Appendix E – FINAL INVESTIGATION REPORT - prepared by Melvin Kenyon for the Monitoring Officer, Tendring District Council – issued 10th January 2024

- Annex 1 – witness statement of Cllr Ernest Gibson, Chair of the LGA Coastal Special Interest Group and a South Tyneside Councillor
- Annex 2 – witness statement of Sidonie Kenward, Marine and Terrestrial Planner at the Marine Management Organisation
- Annex 3 – witness statement of Beccy MacDonald-Lofts, Lead Officer the LGA Coastal Special Interest Group
- Annex 4 – witness statement of Ross MacLeod, Public Affairs Manager (Water Safety), RNLI
- Annex 5 – witness statement of Rhys Hobbs, Environmental Resilience and Adaptation Manager, Cornwall Council

- Annex 6 – witness statement of Cllr Derek Bastiman, Deputy Chair of the LGA Coastal Special Interest Group and North Yorkshire Councillor
- Annex 7 – witness statement of Alysha Stockman, Partnerships Engagement Support Officer at East Suffolk Council
- Annex 8 – witness statement of Cllr Noel Galer, Great Yarmouth Councillor
- Annex 9 – witness statement of Nick Hardiman, Expert Adviser – Coast National FCRM at the Environment Agency

This page is intentionally left blank

Tendring District Council

**Complaint by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick
Turner of Tendring District Council**

Kenyon Brabrook Limited

**Report prepared by Melvin Kenyon for the Monitoring Officer,
Tendring District Council – issued 10th January 2024**

Investigation Report – Tendring District Council

Complaint by Cllr Ernest Gibson, South Tyneside Council, against Cllr Nick Turner, Tendring District Council

1. EXECUTIVE SUMMARY

1.1 BACKGROUND

On 5th September 2023, Melvin Kenyon, of Kenyon Brabrook Ltd, was commissioned by, Lisa Hastings, the Monitoring Officer of Tendring District Council, to carry out an investigation into a Standards Complaint that had been received about alleged breaches of the Tendring District Council Members' Code of Conduct ("the Code").

This report ("the Report") deals with the investigation ("the Investigation") of the Standards Complaint, which was made by Cllr Ernest Gibson ("the Complainant"), a member of South Tyneside Council, against Cllr Nick Turner ("the Subject Member"), a member of Tendring District Council ("the Council").

1.2 BRIEF SUMMARY OF THE COMPLAINT

On 16th August 2023, Cllr Ernest Gibson submitted a Standards Complaint ("the Complaint") to the Council. The Complaint was about the alleged behaviour of Cllr Nick Turner at two "virtual" meetings of the Local Government Association Coastal Special Interest Group ("the SIG" and "the Group"), which the Complainant chairs. Those meetings had taken place on 5th June and 29th June 2023.

We discuss the Complaint in detail in Section 5 below.

1.3 CONCLUSIONS AND RECOMMENDATIONS

We conclude, based on the balance of probabilities and the evidence available to us, that:

1. **Cllr Nick Turner breached paragraph 1.1 of the Tendring District Council Code of Conduct by failing to treat other councillors with respect.**
2. **Cllr Turner breached paragraph 1.2 of the Code by failing to treat local authority employees, employees, and representatives of partner organisations with respect and failing to respect the role they play.**
3. **Cllr Turner breached paragraph 2.3 of the Code by failing to promote equalities and behaving in a discriminatory manner.**
4. **Cllr Turner breached paragraph 5.1 of the Code by bringing his own role and Tendring District Council into disrepute.**

On the basis of the conclusions above we make the following recommendations:

1. **That the Monitoring Officer acts in accordance with paragraph 7.1 of the Tendring District Council Complaints Procedure by reviewing the Report and then either referring the matter for a hearing before the Standards Committee or Sub-Committee or in consultation with one of the Independent Persons seeks an informal resolution or mediation.**

2. That the Monitoring Officer provides training for councillors and/or provides them with clear, written guidance on how to complete their Registers of Interest in particular in relation to Outside Bodies and other external interests.

2. OFFICIAL DETAILS OF SUBJECT MEMBER

Cllr Turner told us that he was the longest serving Tendring District Councillor and had represented the Frinton Ward since 1999. He had also been a member of Frinton and Walton Town Council since 1995. He had held every position in both councils apart from Leader (a position he told us he did not want). He had won 15 elections to the two councils and, by virtue of these and other commitments, had accumulated 60 years of public service.

Cllr Turner told us that he was first introduced to the LGA Coastal Special Interest Group eight or nine years ago, when he was Portfolio Holder for Coast Protection and Deputy Leader of the Council. He had, he said, been a very active member of the Group until his recent resignation.

Cllr Turner was last elected to Tendring District Council on 4th May 2023, when he stood as a Conservative candidate. He now sits as an Independent member and is one of 48 councillors.

Cllr Turner signed his Tendring District Council Declaration of Acceptance of Office on 15th May 2023 and thus agreed to be subject to its Code of Conduct.

The Monitoring Officer noted in her Decision Notice of 25th August that, pending completion of the Investigation, “the Leader of the Conservative Party, Cllr G Guglielmi, has suspended Cllr Turner from the Conservative Party and removed him from Committees whilst the investigation takes place. The Leader of the Council has done the same with regards to outside bodies.” Therefore, at time of writing, the Subject Member does not serve on any Council committees or outside bodies on behalf of the Council.

3. RELEVANT LEGISLATION AND PROTOCOLS

3.1 LOCALISM ACT 2011

Under section 27(1) of the Localism Act 2011 (“the Act”) a “relevant authority” (which includes a local council) is placed under a statutory duty to “promote and maintain high standards of conduct by members and co-opted members of the authority”.

Under 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” (see 3.3 below).

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 the prescribed Principles of Standards in Public Life – the so-called “Nolan principles”.

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 endangers public confidence in democracy.

Under section 28(6) of the Act, principal 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 27(7), arrangements put in place under subsection (6)(b) must include provision for the appointment by the principal 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.

Section 28(11) of the Act provides that if a member or 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.

3.2 TENDRING DISTRICT COUNCIL’S CODE OF CONDUCT

Under Section 27(2) of the Localism Act, on 22nd November 2022, the Council adopted a new, revised Tendring District Council Members’ Code of Conduct with a commencement date of 23rd May 2023. In doing that it adopted the Local Government Association Code of Conduct which had been drafted in 2020.

The Code deals with the conduct that is expected of members and co-opted members of the Council when they are acting in that capacity as required by Section 27 of the Localism Act.

The Code is intended to be consistent with the Seven Principles of Public Life – the Nolan principles. These are referred to in the preamble to the Code, under the heading “General Principles of Councillor Conduct” and are attached as Appendix A of the Code.

The Code applies whenever a person is acting in their capacity as a member or co-opted member of the Council. In the preamble, under the heading “Application of the Code of Conduct”, the Code says that it applies “when you are acting in your capacity as a councillor which may include when you misuse your position as a councillor and when your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor”. Please see Section 3.3 below.

In making the Complaint the Complainant referred specifically to General Conduct, Paragraphs 1.1, 1.2, 2.3 and 5.1 of the Code. The Monitoring Officer referred to the same “relevant paragraphs” in her Decision Notice of 25th August 2023 which she shared with the Complainant and the Subject Member in letters with the same date. The Monitoring Officer wrote:

“The Complainant considers that Councillor Nick Turner has contravened the Council’s Members’ Code of Conduct and in particular:

General Conduct

1. Respect

As a Councillor:

1.1 I treat other councillors and members of the public with respect

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public’s expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority’s councillor-officer protocol.

2. Bullying, harassment and discrimination

As a Councillor:

2.3 I promote equalities and do not discriminate unlawfully against any person

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or local authority into disrepute

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct."

3.3 WHEN DOES THE CODE OF CONDUCT APPLY?

Under 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". This section of the Act narrowed the remit of the previous national Code of Conduct with the result that a council can only investigate matters where a member was acting as a councillor or as a representative of the council at the time of the alleged incident.

Conduct that might be regarded as reprehensible and even unlawful is not necessarily covered by a code of conduct; a link to that person's membership of their authority and specifically their role as a councillor is needed.

Some activities clearly have no link with the council such as a purely domestic matter or something that a member may do while employed in work completely unrelated to the council. *Councillors must actually be engaged on council business or commenting on council business or acting as a representative of the authority to be deemed "within capacity".*

In her Decision Notice the Monitoring Officer asked that the question of the capacity in which the Subject Member was attending the SIG be specifically explored. This is examined in detail below (see Sections 7.2 and 9.1).

4. CONTEXT

4.1 TENDRING DISTRICT

Wikipedia tells us that Tendring District is a local government district in north-east Essex formed on 1st April 1974 under the Local Government Act 1972 and covering five former districts. Its council is based in Clacton-on-Sea, the largest town. Other towns are Brightlingsea, Harwich, Frinton-on-Sea, and Walton-on-the-Naze.

The district extends from the River Stour in the north to the River Colne in the south, with the Coast to the east and the city of Colchester to the west. The neighbouring districts are Colchester and Babergh.

When we spoke to him, the Subject Member talked at some length about the environmental and other challenges facing, in particular, Frinton-on-Sea and Walton-on-the-Naze.

4.2 LOCAL GOVERNMENT ASSOCIATION COASTAL SPECIAL INTEREST GROUP

We consider it important that the reader understands the role, scale and reach of the LGA Coastal Special Interest Group. It was at two meetings of the Group that the alleged breaches of the Code were said to have taken place.

We asked ChatGPT to tell us about the LGA Coastal Special Interest Group. It succinctly expressed the impressions we had formed of the Group having spoken to a number of its stakeholders. Its response was as follows.

“The LGA Coastal Special Interest Group (SIG) is an influential body dedicated to addressing the unique challenges faced by coastal communities across the UK. Comprised of local government representatives, experts and stakeholders, this group collaborates to champion the interests of coastal regions, advocating for policies and initiatives that promote their sustainable development.

“At its core, the SIG focuses on safeguarding coastal areas from various threats, including erosion, rising sea levels, and environmental degradation. By facilitating knowledge sharing and best practices, it empowers local authorities to implement effective strategies for coastal management, balancing economic growth with environmental conservation.

“The group serves as a platform for exchanging innovative ideas, fostering partnerships between different regions, and influencing national policies to secure funding and support for coastal projects. Their efforts encompass a wide spectrum covering issues like infrastructure resilience, tourism development, housing, and climate adaptation.

“Through workshops, conferences, and research initiatives, the LGA Coastal SIG drives conversations that shape the future of coastal communities, ensuring they remain vibrant, resilient, and sustainable for generations to come. Its collaborative approach and commitment to addressing coastal challenges make it a pivotal force in advocating for the needs and aspirations of these vital regions”.

The Group’s website states that, “The LGA Coastal SIG champions the collective interests of coastal, estuarine and maritime communities by increasing awareness and debate on environmental, economic and social issues at all levels in relation to the coast. The Lead Authority

for the LGA Coastal SIG is South Tyneside Council, who has held this position since September 2019 and the group is formed of 57 member councils, covering 60% of the English coastline and representing 16 million people. We are the joint Secretariat of the All-Party Parliamentary Group for Coastal Communities.”

Cllr Ernest Gibson (the Complainant), a Labour member of South Tyneside Council, is Chair of the Group whilst the Vice-Chair is Cllr Derek Bastiman, a Conservative member of North Yorkshire Council. We spoke to both as part of the Investigation.

When we spoke to the Chair he told us, ““We are a non-political group, the voice of the coast, of 57 coastal local authorities each of which is unique and has its own particular needs and requirements. Many coastal towns suffer deprivation and employment is often seasonal. There are many, many different coastal issues, and we champion those issues nationally working with many external organisations and interested groups. We cover 66% of the coastline and act as the voice of the coast in England.

“We would like a dedicated Coastal Minister to address these issues in a coherent fashion supported by funding. We work closely with Sally-Ann Hart (Conservative M.P. for Hastings and Rye) Chair of the APPG (All Party Parliamentary Group) for Coastal Communities. We work with Rebecca Pow (Conservative M.P. for Taunton Deane) a Parliamentary Under-Secretary of State at DEFRA”.

The Lead Officer for the SIG is Beccy MacDonald-Lofts, a marine biologist by training, who told us, “The purpose of the SIG is to represent coastal communities and raise awareness of challenges, issues, and opportunities at the highest level. Many coastal communities are deprived, yet they tend to be missed off in the metrics and the data and get swallowed up into more affluent areas.

“My job is to seek out opportunities to raise the profile of those communities and to coordinate the work we do to have the greatest impact. We are loud and we make sure insofar as we can that people are listening to what we have to say.

“We try to produce reports that have a meaningful impact with Government. So, I do a lot of liaison work with the 57 coastal councils that are members of the SIG and spend a lot of time talking to MPs.

“We have a series of working groups that focus on such things as water quality, historic coastal landfill sites, conservation and fisheries, beach and water safety and suicide prevention. My role is interesting and varied. I am solutions focused. If we are to deliver we must work collaboratively and one of my roles is to build and strengthen relationships which are extremely valuable to us.

“Local authorities aside, the main bodies represented at the SIG are DEFRA, the Environment Agency, the Marine Management Organisation, the Association of IFCAs (Inshore Fisheries and Conservation Authorities), Natural England, the Welsh Local Government Association, and NALC. We also work with partner associations that are coastal based like Coastal Partnerships Network, Coastal Communities Alliance, RNLI, the Pier Society, and several others. If you are on the coast we are probably talking to you and if we aren’t we probably should be.

“We are the co-secretariat for the All Party Parliamentary Group (APPG) for Coastal Communities. That is our main conduit for influencing Government of whatever colour. It is a recently established group, and we have Sally-Ann Hart, MP for Hastings and Rother, as the Chair. She

knows that the group needs to be nonpartisan. Through this we have been doing something called the Coastal Enquiry which is focused on actions for *immediate* delivery by MPs. This is proving to be highly effective and highly influential. We would like a dedicated Minister for the Coast (which existed until 2015).”

5. SCOPE OF THE INVESTIGATION

We used the Complaint and the Monitoring Officer's Decision Notice to define the scope of the Investigation. We have presented the Subject Member's response to the Complaint below at Section 5.2.

5.1 COMPLAINT FORM – CLLR ERNEST GIBSON

On 16th August 2023, Cllr Ernest Gibson submitted a Standards Complaint to the Council using the Council's Complaint Form. The salient parts of the text read as follows:

[Begins]

"I am the Chair of the Local Government Association Coastal Special Interest Group ("the Group"). It is in that capacity that I make this complaint, as it concerns the behaviour of Cllr Turner at the quarterly meeting of the Group which took place on 29th June 2023, and at a joint meeting which the Group had with the Environment Agency concerning the SMP [MK: Shoreline Management Plan] Explorer tool, on 5th June 2023. The meetings took place remotely, via the Zoom and Teams platforms. I am in no doubt that the Members' Code of Conduct adopted by Tendring District Council applied to Cllr Turner at the material times, in view of the fact that he was attending the meetings in his capacity as a Councillor. I have set out the details of Cllr Turner's behaviour at each of the above meetings below.

1. LGA Coastal SIG/Environment Agency SMP Explorer Feedback Session

This session was kindly held by the Environment Agency to afford elected members of the group an opportunity to discuss and provide feedback about the upcoming Shoreline Management Plan Explorer tool which is being developed in consultation with the Secretariat. At the session, Cllr Turner embarked upon a wholly inappropriate and disrespectful verbal attack upon Mr Nick Hardiman of the Environment Agency, in the context of setting out his negative views of Shoreline Management Plans and how he feels that his council will not be adopting the guidance provided (based on climate change modelling] in relation to future planning as it does not fit with the council's plans. Whatever his views of the tool, the personalisation of these views, directed as they were towards Mr Hardiman was not only highly disrespectful, but frankly shocking to those who witnessed it.

To compound matters, when Lead Officer Beccy MacDonald-Lofts attempted to politely steer the discussion back to the task at hand - that is - to allow all present to provide their feedback on the tool, Cllr Turner directed his aggression and disrespect towards her stating that he felt the work of the Secretariat was not good enough. Another Councillor attending the session commented in the chat, "*I think it was brief comments Cllr Turner and this is a training session.*" Cllr Turner's behaviour was not only obstructive in terms of delaying the progress of this session, but was also highly damaging to his reputation, the reputation of the Council of which he was acting as a representative, and the Group itself.

2. LGA Coastal SIG June Quarterly Meeting

Following a presentation to the Group by Mr Ross MacLeod of the RNLI, Cllr Turner proceeded to launch a verbal attack on Mr MacLeod and the RNLI in general, stating that he was not happy with the RNLI for many reasons but mostly due to the loss of an RNLI station, a matter which was highly

inappropriate to raise in the manner it was, and at that particular time. Whilst I accept that members' strength of feelings about certain matters can at times make it difficult to maintain the leadership standards as set out in the Nolan Principles, Cllr Turner continued to speak over both Mr MacLeod and myself when we made a number of attempts to speak. Cllr Turner's constant interruptions and overbearing manner was not only highly disrespectful to our colleague from the RNLI, but to me as Chair of the group. The Group is lucky to have senior officers from a variety of service providers in attendance at its meetings, and I have serious concerns that the conduct of Cllr Turner will jeopardise their willingness to attend in the future. Our ability to exert influence in Westminster will consequently be at risk of being prejudiced.

3. LGA Coastal SIG June Quarterly Meeting

At the above meeting, Cllr Turner also considered it appropriate to make the comment "*don't get me started on the Germans.*" It was not clear to me whether Cllr Turner intended this comment to be a joke, but whatever his intention, it was wholly inappropriate given that it grouped everyone of a particular nationality together in what was undoubtedly a negative remark. The comment was indicative of a discriminatory view held by Cllr Turner which flies in the face of paragraph 2.3 of the Code of Conduct.

4. LGA Coastal SIG June Quarterly Meeting

During the same meeting, Cllr Turner made comments in response to Mr MacLeod from the RNLI which were as shocking as they were offensive. Cllr Turner asserted that people of Afro-Caribbean descent are unable to float, a misconception which Mr MacLeod attempted to respond to, and respectfully correct. However, before Mr MacLeod was able to finish his response, Cllr Turner spoke over him clarifying what he meant by the comment by pointing out that it is not that people of Afro-Caribbean descent can't float, but that in his experience they won't float. The implication was that members of the community were unable or unwilling to learn how to float. They were as distasteful as they were untrue. The comments were made in the context of his experience of why people had sadly lost their lives within his council district and whilst discussing the work which the RNLI had been doing in promoting World Drowning Prevention Day and engaging with groups which are often hard to reach. The comments made by Cllr Turner were simply unacceptable in that context or indeed in any circumstances.

Cllr Turner continued to make deeply racist remarks about people of Afro-Caribbean descent, before making comments about the clothing that people of certain specific faiths wear when in the sea, indicating that in his view the clothing was inappropriate.

Cllr Turner's comments, together with the overbearing way in which he made them, speaking over others who were trying to reply to them, left those in attendance in no doubt about his attitudes towards those of different ethnicity or belief. Cllr Turner's comments were highly offensive, and had they been made by an officer of a local authority, I would expect them to face the most serious disciplinary sanctions. I do not believe that by virtue of his status as an elected member, Cllr Turner should be able to avoid being held to account for his actions.

General

As mentioned above, Cllr Turner's behaviour was witnessed by all present at each of the above meetings. I am aware that three complaints have already been made to me about the behaviour

and I attach hereto, copies of the communications I have received from the Marine Management Organisation, the RNLI, and Beccy MacDonald-Lofts. Should I receive further complaints concerning Cllr Turner's behaviour I will pass them on to you. I doubt very much that Cllr Turner will deny making the comments which are the basis of my complaint, he appeared comfortable in making them to the large audiences which he had at the material times. However should you require any corroboration of any of the elements of my complaint I can provide you with the list of attendees at each meeting.

I consider that the matters I have seen fit to raise with you are far from trivial, and that is in the public interest for such behaviour to be called out - indeed the Nolan principles contain an expectation that poor behaviour will be challenged. I would respectfully suggest that the behaviour about which I am concerned goes way beyond being simply "poor". Cllr Turner's comments would strongly indicate that his view of your Council's motto is that the Council works *"For the Good of All"* so long as you are not German, of Afro-Caribbean descent or of a different faith. I am sure that is not what the members and officers of your Council believe

.... Finally, the Group's AGM is scheduled to take place in Skegness in September 2023. I do not anticipate that this complaint will have been concluded by the time of the AGM. Whilst the complaint remains "live", given that it is submitted by me and supported by a number of those who were in attendance at the quarterly meeting in June and who will be present in September, I do not consider that it is appropriate for Cllr Turner to attend. In the circumstances I would be receptive to Tendring DC appointing a substitute member to attend in Cllr Turner's place.

[Ends]

Note: We have chosen to present the emailed complaints that the Complainant referred to in the above text in Section 7 of the Report.

5.2 SUBJECT MEMBER RESPONSE TO THE COMPLAINT

On 18th August, Cllr Turner wrote to Lisa Hastings, the Monitoring Officer, by email in response to the Complaint. We have set out the text of that email below just as it was written (though we have not tried to reflect the structure of the email).

[Begins]

Good Afternoon Mrs Hastings,

I was of the opinion that the complaint against was as I have stated. I was completely unaware of this complaint from the LGA Coastal SiG. I resign from LGA Coastal Communities SiG as of now. I am also shocked at how what I said can be so misconstrued. I truly do understand the modern mind. I have always found the truth to be the best way forward and that sometimes needs pressure to emerge with overview and scrutiny.

As to the comments:

The SMP:

As of 2055 the seawall from Frinton to Holland Haven is hold the line or managed retreat. This means that the EA may allow Frinton Golf and Tennis Club to be flooded. Also the gardens and more than likely the houses 3,5,7,9,15,17 Second Avenue. There was a refresh of the SMP over

the last 2 years. I took that to mean that the above position would be reviewed. I first asked this question at a SiG meeting in 2020, I believe in London. I was given information that lead me to believe that would be the case. James Ennos was with me. Locally I got a different view and pursuing it further at County and National Level the differences between local and National became apparent. I was only trying to get to the bottom of this review. It has been raised at the Naze Management Board.

Douglas Carswell raised it in Parliment and told me he spoke with the EA. This resulted in the position taken by the EA from no active intervention or managed retreat to hold the line or managed retreat. I have fought this since it was first brought to my attention in 2009. It does matter as I know of at least one property that did not sell because of the seawalls designation. I was just trying to get to the knowledge that would allow the Authority to protect itself fully.

The meeting referred to was a misunderstanding on my behalf. I should not have attended as I gathered later it was for Officers. This was not pointed out to me before the meeting started. I apologise unreservedly for any offence given. Also as soon as I realised the meeting was not for me. I did apologise and left the meeting.

As to the drownings I was told it was because bathing costumes were not being used and the poor unfortunates entered the sea in clothes not suitable to swim or wade in. As we were discussing the issue of beach safety, I thought it best to mention our experience. It was walking on broken glass. Similar to the other Community mentioned. I heard the comments I made from a teacher some years ago. I wanted to know if that was the case and secondly report back to the Seafronts team via the senior Officer. If we are not honest about these issues how can we avoid the tragic cases we have had over the last few years? Tendring has one of the worst records for beach accidents. I apologise unreservedly for any offence given.

As to the RNLI, another issue that the Naze Management Board knows all about. Due to the heavy handedness of the RNLI they have lost the Coxswain, 8 crew members the co-ordinator has been sacked and the lifeboat, as far as I am aware, is not longer capable of answering an emergency. On top of that the RNLI is now advertising for a local crew. This is a National issue. I gather that in parts of Cornwall that some Communities have set up their own life boats. It is a tragic tale and I was trying to get information that will enable the RNLI still to function in Walton. I failed. If offence was taken at my robust defence of the Institution and the Mariners locally then for that I am sorry.

As a Yachtmaster, I would be far more upset if I am in an emergency situation at sea and no one responds to my mayday. Something up and till very recently one could completely rely on. On top that the link between the RNLI and local Families has been broken. It has been the tradition of Seaside Towns with an RNLI presence for the young men of local Families to become volunteers in the and for the RNLI. This tradition is being broken. That is something worth fighting for. If I was too robust in my questioning it was only because the issue is of great importance to the Towns of Harwich, Walton, Clacton and B'sea. I am truly sorry that I could not find a meeting of minds and that the complainant felt insulted. He was not. It was just to attempt to winkle out the true reasoning behind the RNLI's new policy. Then for us to figure a way around the problem. Please remember that we have one of the busiest shipping lanes in Europe on our doorstep. A large Marina and a Tourist Strategy that is central to the Authority plus 35 miles of coastline.

I only attend these meetings to learn and share any knowledge I have. It is a great shame that meetings now cannot be truly open, honest and straight forward.

Sincerely

Cllr. Nick Turner.

[Ends]

5.3 DECISION NOTICE

In her 25th August Decision Notice the Monitoring Officer (i) presented the relevant paragraphs of the Members' Code of Conduct (see Section 3.2 above); (ii) summarised the Complaint (not repeated here); (iii) summarised the Subject Member's response (not repeated here); (iv) made a recommendation that an external investigation take place "due to the circumstances and the seriousness of the allegations" (detail not repeated here); and (v) gave the reasons for her decision.

She wrote, "Both parties' comments have been sought in accordance with the Members' Code of Conduct Complaints Procedure before considering whether this case merits further investigation.

Whilst it is acknowledged that Councillor Turner has resigned from the LGA's Coastal SIG and apologised for an[y] offence given, it is not considered that informal resolution is appropriate in this circumstance. There is a wide difference of opinions between the Complainant and Cllr Turner on the manner of the debate within the meetings. Cllr Turner in his response has acknowledged his comments and not denied them, but the impact of them appears to be unappreciated.

However, there is also the potential for a huge detrimental impact on the working relationship between the Council, and external stakeholders not only within the meetings but far wider. The LGA, agencies, organisations and local authorities across the Country within the SIG are national bodies and the actions of Councillor Turner are likely to be found in breach of the Code of Conduct. The alleged behaviour directed towards individuals needs to be investigated, as does whether Councillor Turner has brought the District Council into disrepute on such a national platform.

I would also like the investigation to explore how and in what capacity Councillor Turner was attending the LGA Coastal SIG, this is not an Outside Body appointment made by the Leader. It is however, disclosed as an Other Registerable Interest on Councillor Turner's form. I have been informed Council officers may have attended with him in the past.

Whilst acknowledged from the information on the LGA Coastal SIG, Tendring District Council is a member and would appropriate to be so, this is not an outside body we have appointed to or can locate membership details. Although, the officer who may have had the records, has recently left the Council.

6. APPROACH

6.1 DOCUMENTS AND OTHER SOURCES

We have taken reasonable steps to list the source materials we specifically reviewed at Appendix 1 (though we do not guarantee that the list is exhaustive). The source materials listed there and the summaries of our formal interviews together formed the evidence base we considered during the Investigation.

6.2 FORMAL INTERVIEW METHODOLOGY

In investigating the Complaint we gathered evidence at formal interview from the following people (listed in the order in which we interviewed them):

- (i) Cllr Ernest Gibson – Complainant, Chair of the LGA Coastal Special Interest Group and a South Tyneside Councillor;
- (ii) Sidonie Kenward - Marine and Terrestrial Planner at the Marine Management Organisation;
- (iii) Beccy MacDonald-Lofts – Lead Officer the LGA Coastal Special Interest Group;
- (iv) Ross MacLeod - Public Affairs Manager (Water Safety), RNLI;
- (v) Rhys Hobbs - Environmental Resilience and Adaptation Manager, Cornwall Council;
- (vi) Cllr Derek Bastiman – Deputy Chair of the LGA Coastal Special Interest Group and North Yorkshire Councillor;
- (vii) Alysha Stockman - Partnerships Engagement Support Officer at East Suffolk Council;
- (viii) Cllr Noel Galer – Great Yarmouth Councillor;
- (ix) Cllr Nick Turner – Subject Member and Tendring District Councillor; and
- (x) Nick Hardiman – Expert Adviser – Coast | National FCRM at the Environment Agency.

We carried out the interviews between 20th September and 20th December 2023 using the Zoom video communications platform or similar.

By agreement we recorded (normally video and audio) the interviews. In each case we produced written summaries of our interviews. Interviewees were offered the opportunity to comment on the written summary whilst it was still in draft and any relevant comments made were reflected in the final summaries, which were then, with one exception, “virtually” agreed and signed off by interviewees.

Once the summaries had been agreed by interviewees they became the formal record of each interview and the video/audio recordings, and any written notes taken at interview, were destroyed by us in accordance with best practice.

Rhys Hobbs did not sign off his interview summary and did not reply to any of our requests that he do so. We wrote to him and informed him that we would use his draft statement as evidence, and we have retained the recording in the event that there is any disagreement about the content of the draft summary.

With that single exception, the written records therefore now form our only record of the interviews. Section 7 of the Report contains text drawn directly from the interview records.

We invited a number of others to be interviewed:

- Clare Nolan Barnes of Blackpool Council said, “I can’t recall anything at that meeting and I may well have not been at the meeting for the whole time Maybe I missed this part of the agenda”.
- Cllr Jane Hugo of Blackpool Council said that she was not at the 29th June meeting.
- Graeme Smith of Teignbridge District Council did not respond to our invitation.
- Cllr James Bensly of Great Yarmouth Council said, “I’m sorry I don’t think it will be of much use”.
- Through Beccy Macdonald-Lofts on several occasions we invited her colleague Bethany Handson, Project Officer at the LGA Special Interest Group, to speak to us but did not succeed in speaking to her.

6.3 THE REPORT

After we had completed the preliminary draft of the Report it was peer-reviewed for quality and to ensure consistency of approach with similar cases across the country.

Following that peer review, we shared the Draft Report with the Monitoring Officer. The intention was that she could ensure that, on its face, the Report was indicative of a satisfactory investigation and was of the required standard.

In the event, in the absence of the Monitoring Officer, the Draft Report was reviewed by the Deputy Monitoring Officers, Linda Trembath (Head of Legal Services) and Keith Simmons (Head of Democratic Services and Elections), who confirmed that they were “satisfied that the [I]nvestigation ha[d] been a thorough one and that [that] was reflected in the [R]eport.”

We recommended that the Draft Report be shared with one of the Authority’s Independent Persons and that their comments be sought.

We then shared the Draft Report, with draft conclusions and recommendations, in confidence, with the Complainant and the Subject Member. They were invited to comment on it.

We received a response from the Subject Member who wrote, *“Having appraised myself of every opportunity to apologise for any offence caused, which was unintended and to paraphrase the report itself, most definitely “unconscious” on my part, I am not sure what more can be said. Nothing was said to me at the meetings or directly to me afterwards, which if it had been, could hopefully have enabled the apology to be received sooner. In terms of the requirement of a formal complaint and subsequent investigation and report I can only offer a quote from Alexander Pope: “Blessed is the man, who expects nothing, for he shall never be disappointed” Letter to Fortescue 23-09-1725”.*

The Complainant did not reply.

We now submit the Final Report containing our final conclusions and recommendations to the Monitoring Officer for her consideration in line with the Council’s Arrangements. In doing that we pass copyright in the Report to Tendring District Council.

7. FINDINGS – CAPACITY

7.1 BACKGROUND

In the course of every investigation we carry out we must establish whether a subject member is “in capacity”. As discussed in Section 3.3, “councillors must actually be engaged on council business or commenting on council business or acting as a representative of the authority to be deemed “within capacity””.

As previously noted, “conduct that might be regarded as reprehensible and even unlawful is not necessarily covered by a code of conduct; a link to that person’s membership of their authority and specifically their role as a councillor is needed.”

In short, if a subject member is not found to be in capacity, then a code of conduct is not engaged.

In this case we were specifically asked by the Monitoring Officer “to explore how and in what capacity Councillor Turner was attending the LGA Coastal SIG, [since] this is not an Outside Body appointment made by the Leader. It is however, disclosed as an Other Registerable Interest on Councillor Turner’s form. I have been informed Council officers may have attended with him in the past.

“Whilst acknowledged from the information on the LGA Coastal SIG, Tendring District Council is a member [of the SIG] and it would appropriate [for it] to be so, [yet] this is not an outside body we have appointed to, or [for which we] can locate membership details. Although, the officer who may have had the records, has recently left the Council.”

7.2 WHAT DOES “IN CAPACITY MEAN”?

7.2.1 CASE LAW

The Localism Act 2011 is silent on the matter of what being “in capacity” actually means and, at time of writing, there is no case law on the interpretation of “acting in [the]capacity” of a member or co-opted member” under the Localism Act 2011.

However, the issue of where the boundaries lie between a councillor acting as a councillor and a councillor acting as a private citizen has been explored in a number of cases which predate the 2011 Localism Act but nevertheless remain relevant.

In **Livingstone v Adjudication Panel for England [2006]** Mr Justice Collins considered the scope of the Code in relation to when a councillor is acting in their official capacity. Mr Justice Collins stated at paragraphs 27 to 29:

“Conduct which is regarded as improper and meriting some possible sanction will often be constituted by misuse of a councillor’s position. He may be purporting to perform his functions if, for example, he seeks to obtain an advantage by misusing his position as a councillor. Such misuse may not amount to corruption; it may nonetheless be seen not only to be improper but to reflect badly on the office itself. If the words “in performing his functions” are applied literally, it may be said that such misuse, and other misconduct which is closely linked to his position as such may not be covered.

... Thus where a member is not acting in his official capacity (and official capacity will include anything done in dealing with staff, when representing the council, in dealing with constituents' problems and so on), he will still be covered by the Code if he misuses his position as a member. That link with his membership of the authority in question is in my view needed. This approach is very similar to that adopted in Scotland and in my judgment accords with the purpose of the Act and the limitations that are appropriate. It is important to bear in mind that the electorate will exercise its judgment in considering whether what might be regarded as reprehensible conduct in a member's private life should bring his membership to an end in due course...

The Livingstone judgment was considered in detail in "**Bartlett v Milton Keynes Council [2008] APE 0401**" in an appeal from the local standards committee. In the Tribunal's view, the Livingstone judgment established that for a councillor to be acting in an official capacity:

- the councillor should be engaged in business directly related to the Council or constituents;
- the link between the councillor's office and the conduct should have a degree of formality.

First Tier Tribunal Case No. LGS/2011/0537 appears to be particularly pertinent here in that Judge Laverick was specifically considering a councillor's use of social media and the capacity in which the councillor was writing in an online blog. Judge Laverick stated that it was perfectly reasonable for a councillor to write posts and make comments in their private capacity even if their social media account clearly identified them as a councillor; the key determining factor when it came to deciding the capacity in which the councillor was writing was whether the content of the relevant post was sufficiently connected to Council business in order for the Code of Conduct to be engaged.

So, here (and in other cases not referred to here) there is case law which helps inform the question of what "in capacity" means.

7.2.2 LGA GUIDANCE

The Local Government Association has published supporting guidance ("the Guidance") which helps with understanding of, and consistency of approach towards, the Model Councillor Code of Conduct (which was subsequently adopted by the Council and many other authorities in England).

In that section of the Guidance that considers the Application of the Model Code it addresses the question of "When does the Code apply?" As already noted in Section 3 above, it says, "The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor."

In the same section the Guidance addresses the question of "What does acting as a representative of my local authority mean?". It says, "You are acting as a representative of the local authority when you are sitting on an outside body to which you have been appointed by the local authority, for example.

You would also be considered a representative of the local authority where you were attending an external function or conference on behalf of the local authority or as the local authority's nominated delegate."

7.3 COUNCIL RECORDS

7.3.1 OUTSIDE BODIES

We asked for a statement from the Council about the position in respect of Cllr Turner's attendance at meetings of the SIG and received the following reply, which had been prepared for us by the Head of Democratic Services and Elections.

"By virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, appointments to outside bodies by a principal Council such as Tendring District Council is a function to be exercised by the Executive. Tendring District Council's Executive is its Cabinet (which is comprised of the Leader and other Cabinet Members).

"The Leader of the Council has responsibility for appointments to Outside Bodies by virtue of the allocation of responsibilities set out in the Council's Constitution at clause 4.4.2 within Schedule 3 of Part 3 of that Constitution. Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 there is a requirement for executive decisions to be recorded and published.

"I have checked the decisions of the Council as recorded in the 'Modern.Gov' system of the Council that holds all the published decisions; including the decisions of the Executive of the Council. These decisions date back to 03/08/2016. I have specifically checked decisions of the Leader on the 'Modern.Gov' system dated 03/02/2017, 10/07/2017, 22/08/2017, 27/11/2017, 22/12/2017, 01/06/2018, 07/08/2019, 21/11/2019, 13/07/2021, 15/12/2021, 13/04/2022, 07/06/2023 and 30/08/2023. These all relate to appointments to outside bodies. I am unable to find any decision making an appointment of a representative on the Local Government Association's Special Interest Group for Coastal Communities. As such, there is no record of an appointment of Councillor Nick Turner to that Special Interest Group by the Council.

"In addition to my steps above, I have asked the Council's Leadership Support Manager to check paper records on appointments to Outside Bodies and she confirmed to me as follows on 08/11/2023 by email: *"I have looked through all the files held in the Chief Executive's / Leadership Support office and cannot locate a Record of Decision document appointing Cllr Nick Turner to the LGA Coastal SIG. Please be aware I have checked electronic and paper files going back to 2015"*.

7.3.2 COUNCIL WEBSITE

The Council website holds a list of Outside Bodies. It states, "There are a number of organisations which are independent from the council, but have an impact on its service areas. In order that the council can maintain effective partnerships with a number of these organisations, representatives of the council, usually elected councillors, sit on the various committees and forums that are responsible for them."

At time of writing the website lists 51 Outside Bodies. The LGA Coastal Special Interest Group does not appear on that list.

We also located on the Council website a document entitled "Leader of the Council 6 August 2019 External Meetings, Outside Bodies and Other Appointments". It lists 41 organisations and the names of the Member(s) Appointed along with Expiry Dates of the appointment (all of them May 2023). Cllr Turner is named as a member appointed to the Essex Flood Partnership Board, the

Hamford Water Management Committee, the Local Highways Panel – Tendring, the Naze Management Board, and the Tendring Transport Liaison Board. The LGA Coastal Special Interest Group is not listed in the document (which we presume to be one of the documents referred to in Section 7.3.1 above). The document states, “Councillors attending outside bodies and external meetings are entitled to claim mileage allowances as part of their approved duties”.

7.3.3 EXPENSES

Whilst we were aware that the allegations in the Complaint related to “virtual” meetings of the Group, we were told that there were occasions on which SIG meetings and events took place in person. Indeed we were told by Beccy MacDonald-Lofts that Cllr Turner had attended a SIG event in London in December 2022. We therefore asked for a recent example of any expense claim made by Cllr Turner that related to his attendance at SIG meetings or events.

We were supplied with a (suitably redacted) Council Travel Claim Form that had been submitted and, apparently, signed by Cllr Turner on 8th January 2023. It contained a claim for £68.70 for a train journey from Frinton to Westminster that related to the “Annual LGA Coastal SIG Meet”.

7.3.4 SUBSCRIPTION INVOICES

When we spoke to Beccy MacDonald Lofts she told us, “the SIG has been around for a long time. It is funded by annual membership fees and has been hosted by several councils over its lifetime”.

We have reviewed an email exchange between Cllr Turner and James Ennos (see Section 7.4.4 below) on 13th November 2020, in which Cllr Turner forwards to James Ennos a Payment Request for the SIG subscription for 2020/21 which he has himself received from an officer at South Tyneside. James Ennos replies saying, “I have asked for an order to be sent”.

We have reviewed another email from 3rd July 2020 in which a Tendring officer shares an invoice with James Ennos, this time from Lewes District Council, asking for payment of the 2019/20 subscription. The officer asks James Ennos which account code the invoice is to be charged to.

7.3.5 REGISTER OF INTERESTS

The Council website holds a record of Cllr Turner’s Register of Interests, which was published on 4th July 2023.

Paragraph 9 of the Register requires a member to register Other Registerable Interests and specifically, “(b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority”. Here Cllr Turner listed, “Vice-President Frinton Cricket Club, Frinton and Walton Heritage Trust, Frinton War Memorial Club, Frinton Community Association, Social member of Frinton Golf Club, Frinton and District Horticultural Society, and Frinton Residents Association”.

Paragraph 10 of the Register requires a member to register Other Registerable Interests and specifically, “(c) any body: (i) exercising functions of a public nature; (of which you are a member or in a position of general control or management). Here Cllr Turner listed, “Frinton and Walton Town Council, The Essex Flood Forum, The Joint Planning Committee of the Tendring Colchester Garden Community, and the Essex Flood Prevention Board.

Paragraph 11 of the Register requires a member to register Other Registerable Interests and specifically, “(c) any body: (ii) directed to charitable purposes; (of which you are a member or in a position of general control or management). Here Cllr Turner listed, “The Rebel Trust”.

Paragraph 12 of the Register requires a member to register Other Registerable Interests and specifically, “(c) any body: (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) (of which you are a member or in a position of general control or management). Here Cllr Turner listed, “The Conservative and Unionist Party, LGA Coastal Communities Significant Interest Group [sic], and The Conservative Councillors Association”.

7.4 CLLR TURNER’S ATTENDANCE AT THE COASTAL SPECIAL INTEREST GROUP

7.4.1 INTERVIEW – CLLR NICK TURNER

When we spoke to Cllr Turner about his attendance at the Group he told us, “It was around that time, when I was chief politico, Portfolio Holder for Coast Protection, and Deputy Leader - maybe eight or nine years ago - that I got introduced to the LGA Coastal Special Interest Group. I found it very useful to share information and knowledge and learn from others who were developing sea defences outside the district at that time. That was why I first got involved but, since then, my knowledge has grown in other areas of common interest to members of the SIG. Pollution is a very good example. I do my homework, I listen and learn.

“Until I resigned I was a very active member of the SIG and attended everything I was invited to (at least until recently). I saw my role as offering my experience to the SIG whilst at the same time learning from others. I was there to represent the interests of Tendring District Council on the Group. I passed on what I learnt to officers.

“Tendring is integrated from parish to Parliament on these matters when other local authorities are not. I recently worked closely with a very good officer at Tendring [MK: We believe that to be James Ennos] to help make that integration effective – I did the political stuff whilst he did the technical stuff. I have worked closely on coastal matters with our local MP.”

When we asked him on what basis he had been attending the SIG if he hadn’t been appointed to it by the Leader and there was no other decision made to appoint him over the past seven or eight years, Cllr Turner said, “I haven’t a clue about the process by which I came to represent Tendring on the SIG. It could have been through the director who led on the building of the sea defences at the time. Both previous Chief Engineers at the Council that I worked with agreed to pay the subscriptions to the SIG. On occasion officers attended meetings with me. I always reported back to them and told them what was going on. I certainly attended the meetings in good faith – I wouldn’t have been there otherwise.”

7.4.2 INTERVIEW – CLLR ERNEST GIBSON

“Throughout the time he has been attending [Cllr Turner] has been giving the impression that he is representing the Council, and you can see “Cllr Nick Turner” on the screen during virtual meetings. When we are asked to introduce ourselves to new members he introduces himself as Cllr Nick Turner representing Tendring District Council. When business is being discussed he comments on behalf of Tendring District Council. His comments are always about his Council. Recently, for example, he talked about the impact of wind turbines and power cables from those

turbines on his own ward. You will see him on the attendance sheet as “Cllr Nick Turner” of Tendring District Council. I never doubted that he was there to represent his council”.

7.4.3 INTERVIEW – BECCY MACDONALD-LOFTS

When we spoke to Beccy MacDonald-Lofts, the Lead Officer for the SIG, she told us, “It has transpired that Cllr Turner was not nominated by his council to attend the SIG though we were not aware of that at the time, or we would not have allowed him to attend. We have never been told that he is not (or is no longer) the lead member for Tendring Council. In fact, nominated or not, he has contributed on behalf of Tendring Council at every meeting he has attended that I have been involved in. He is very vocal, and he attended our December meeting in London in person. He has been on the SIG for around 15 years, I think.”

7.4.4 MEMBERSHIP LIST 2010/11

We searched the internet to try to establish when Cllr Turner joined the SIG. We found a document named “LG Association Coastal Issues Special Interest Group” dated 3rd August 2010. It lists the names of the membership for 2010-11. Representatives of Tendring District Council are listed as Cllr Nick W Turner and Mr John Ryan.

We also found an article in the Clacton and Frinton Gazette dated 21st April 2010 and entitled “Sea wall strengthening work completed”. It begins, “Works have been completed on a £1.1million project to strengthen sea walls in Holland-on-Sea” and quotes John Ryan, head of technical services at Tendring Council, as saying that “it was vital that the work was carried out to protect the sea wall at Holland-on-Sea”.

7.4.5 MINUTES AND OTHER DOCUMENTS

We were supplied with copies of minutes of several meetings of the SIG along with other related documents. Those documents show Cllr Turner attending meetings and he is minuted as making contributions during those meetings (e.g. under item 7 “Member Update” on 25th March 2021.) In supplying the documents Beccy MacDonald-Lofts said, “From the archive minutes that I have access to, Cllr Turner was appointed to the SIG in 2017 (see attached attendance sheet for a SIG study tour) and the oldest minutes I can find with his presence are in 2018.”

We were supplied with a copy of a draft speech that Cllr Turner was to make to the SIG on 24th September 2020. He had shared it with two officers (James Ennos and Gary Guiver) on 11th September saying, “Comments please re accuracy rather than attitude”. Whilst James Ennos appears to have been unable to attend that meeting, there is evidence that he attended other meetings with Cllr Turner. For example, a Delegate List for a Study Tour in 2017 includes Mr Ennos who is named alongside Cllr Turner as a representative of the Council.

8. FINDINGS – COMPLAINT

As previously noted in Section 5 above the Complaint centres on events that were alleged to have taken place at two meetings of the SIG – on 5th June and 29th June 2023.

8.1 **5th JUNE – SIG/ENVIRONMENT AGENCY SMP EXPLORER FEEDBACK SESSION**

Four of the ten people we spoke to were present at the 5th June meeting . The 5th June meeting was not recorded or minuted.

8.1.1 CLLR ERNEST GIBSON

Asked by us about the meeting which discussed the SMP Explorer Tool, Cllr Gibson said. “A Shoreline Management Plan aims to provide a strategy for managing flood and erosion risk for a particular stretch of coastline. It provides estimates of how the coast is likely to change over the next 100 years considering such factors as the geology, the condition of the coast, the existing coastal defences, and the likely impacts of climate change.

“The SMP Explorer Tool is being developed to allow people to access the Shoreline Management Plans for each part of the coast via a website. The meeting on 5th June was intended to allow attendees to comment on the SMP Explorer Tool because some council officers found it very difficult to work with. It is intended primarily for officers to access. It is being developed by the Environment Agency (EA) and DEFRA, working as a team. Nick Hardiman of the EA joined the meeting to give us a basic outline of the tool.

“Nick Turner was over-zealous and obstructive at the meeting, even aggressive. He gave Nick Hardiman of the Environment Agency a rough ride at this meeting. We all have some issues with agencies like the Environment Agency and the MMO but there is a time and a place for challenge and this meeting was not the time or place for challenge. We have to keep a good partnership with Westminster and the way he behaves can sometimes put that at risk.

“The context was the future development of the SMP Explorer Tool. Nick Turner said that the tool was of no use to his council, it was rubbish and a waste of time. He appeared to me to be verbally attacking Nick Hardiman personally in the way he said what he said to him. He was personalising his comments and talked about “*your* Explorer tool”. Neither I nor Beccy were able to calm Nick Turner down; he wouldn’t be calmed down and wouldn’t listen to reason. He talked over people and did not allow the meeting to proceed as it was intended to. It wasn’t so much what he said as the way he said it. He always goes over the top with things like this. Nick Hardiman wasn’t there to be abused.

“Nick Turner is a gentleman in some ways, and I think he is a good councillor because he represents his residents, he questions and scrutinises, and he is passionate. But at the same time, he is a challenging person and, at times, behaves like a dog with a bone and won’t let things go. In behaving as he does he tends to make some people feel uncomfortable.

“Beccy Lofts is the Lead Officer for the SIG and is paid by South Tyneside She coordinates its work and makes sure I am briefed if I go to meetings representing the SIG. As I said in the Complaint he directed his aggression towards her too. He said that the Secretariat of the APPG (Beccy) was a load of rubbish and useless (which, of course, it’s not). He is positive at the meetings when he is talking about what *he* has done. But when *other* people speak he can sail against the

wind. He isn't a team player. He was personally abusive towards her. Once again it was *how* he said what he said rather than *what* he said and how he *portrayed* himself.

"Beccy is an experienced and robust individual, but I know that she was furious about what he said and how he behaved at the meeting. She was concerned about the impression he was giving to other participants and how he was damaging the reputation of the SIG. Talking over people, saying that things were no good and a waste of time.

"We cannot allow this kind of behaviour at the meetings. I tried to close him down, but he would not be closed down and we appeared not to have had the ability to mute him during the meeting itself. Once he gets on a roll he's impossible to stop. Basically, he is disruptive and has been for a long time, but on this occasion he did overstep the mark. He really excelled himself."

8.1.2 BECCY MACDONALD-LOFTS

Asked about the same meeting, Beccy MacDonald Lofts said, "Put simply, the whole UK coastline is separated into sections according to how sediment moves from one place to another. That impacts erosion and flooding. Each one of those sections is a unit and has a Coastal Group attached to it. Those groups come together independently and are funded by the Environment Agency. Members include local authorities and any other party that has an interest in that section of coast.

"For each of those "sediment cells" there is a Shoreline Management Plan agreed by the relevant Coastal Group. The SMPs identify through prediction modelling whether or not a section of coastline is defensible for the future. Currently those plans are hosted on a multitude of different websites. The SMP Explorer Tool is an online interactive map which is an effort – led by the Environment Agency (EA) - to make all the SMPs transparent, easy to understand and open to all including practitioners, councillors and interested members of the public. We have been working with the EA to help develop the tool and supporting resources and make sure it is suitable for councillors and officers. It is due to be released in December.

"On 5th June we had brought a group of council representatives – nominated councillors only - together informally to give their views on the latest iteration of the Explorer Tool. This was part of a consultative effort by the EA to get feedback on the useability of the Tool (rather than its content). I think six councillors attended, one of whom was Cllr Turner.

"We do not record our meetings and, because this one was informal, there are no minutes. However, I will share with you a copy of the Teams chat for the meeting [MK: see Section 8.1.4 below] when another of the attendees told him to focus because they were becoming irritated at his behaviour during the meeting.

"One of the main reasons I put so strongly in the 5th June Workshop Briefing that this event was for feedback on the interface only was specifically because of concerns about Cllr Turner's behaviour if he came to the workshop. He has frequently caused overheated discussion about specific points and will constantly bring up points that he sees as relevant to Tendring District Council and won't let them go. Even if we say that the forum is not the right one in which to raise a specific point, that won't stop him, and he will use the Group meetings as an opportunity to have a go at someone or something. His disruptive behaviour at meetings has become a consistent issue for us.

“After everyone joined the meeting, Nick Hardiman of the EA did his presentation about the interface and invited feedback. When he had finished Cllr Turner put his hand up and immediately started to have a go at Nick about how he did not agree with the Shoreline Management Plan for his area and how Tendring District Council wasn’t agreeing to it. Nick tried to focus him on the interface.

“I interjected and told him that this was not the session for this and that a separate meeting could be set up to discuss his concerns with everyone in his SMP area. He then had a go at me. He said he was highly disappointed that I wasn’t doing what he thought I should be doing. He said that what I was doing just wasn’t good enough. Once more I said that this was not the place to discuss his concerns. We were limited to an hour for feedback on the interface and other councillors wanted to provide feedback. Once again Nick tried to manage the situation. Cllr Turner then said that he was leaving the meeting to get a COVID jab before going off on another tangent. By then he had taken up 15 or 20 minutes of the hour available and the remaining councillors were fed up.

“After the meeting had finished I spoke to Nick Hardiman and apologised because the way Cllr Turner had spoken to him was beyond rude. It contained heavy-handed, directed, very personal attacks against him because he wasn’t getting his own way. Whilst I can’t recall exactly what Cllr Turner said – I was taken aback and wanted to recover the situation - I do know it included things like “you’re not doing this” and “you’re incapable”.

“A few days later I was able to apologise to Nick in person. He told me that, had Cllr Turner directed his comments at a less experienced staff member, the EA would have submitted a formal complaint about his behaviour. For Nick to say that was quite a condemnation of Cllr Turner’s behaviour because Nick has worked with him for a long time and knows what he is like in meetings. This went much further than his normal behaviour.

“One to one Cllr Turner is lovely and personable. But his behaviour towards external agencies has been challenging to say the least. In this case I feel that his obstructive behaviour damaged our hitherto strong relationship with the E.A.. Since his outburst we have seen that relationship drop off a bit and I am now having to try to repair that relationship.

“As far as the Code of Conduct is concerned he was disrespectful to both Nick and me. He was disrespectful to the other councillors because we were unable to complete the work of the meeting that they had given their time to. He failed to represent his council in a way that was constructive. Instead, he came over as disrespectful and obstructive. We have since reviewed the terms of reference of the Group and set down the behaviours we expect of those who attend. We now have the authority to exclude people from meetings though we didn’t at that time.”

8.1.3 NICK HARDIMAN

Asked about the 5th June meeting Nick Hardiman said, “My role is that of Expert Adviser - Coast | National FCRM Directorate within the Environment Agency. I attend the LGA SIG to brief them on key projects and initiatives that we/I are doing. I also provide a general update on the EA’s broader work. The Group is valuable for us because it is a forum where elected councillors and local authority officers meet. They are a key group of stakeholders for us because they provide us with information about the many issues they have to grapple with. It’s an opportunity for us

to improve their understanding of what we do, and that is especially so for newly elected councillors.

“We have had a hard year working on the Shoreline Management Plan (SMP) Explorer Tool and on the wider project, the Shoreline Management Plan Refresh The Plans are internationally well-known and well-renowned. They attempt to formulate a sustainable forward look and take into account climate change. They also take into account the quality of the environment. For example, we may wish to defend a stretch of coastline or manage it in some other way. The Plans are developed with, and adopted by, local councils, which is an ace card There is a strong sense of local ownership.

“The Plans do need to be refreshed and updated. That has been going on and a part of that work has been to make the Plans (which are very long PDF files) more accessible. Hence the SMP Explorer which makes the Plans available on a new online platform that strives to make the Plans easier to understand and access and summarises the key aspects of the Plans. The tool will allow people (via GOV.UK) to enter their postcode and access the Plans. They can find out about the management approaches to specific parts of the coastline and learn about the associated risks and constraints, such as protected sites. The associated Action Plans will be easier to access. We have been developing the tool this year and it will be launched live at the end of January 2024.

“On 5th June we had just come out of a six month period of testing where local authorities, including elected members, were able to view the tool online and provide comments. I was giving a demo on what the tool was looking like and the feedback we had had before finalising the tool. There was only a handful of people at the meeting. The Area Team [at the Environment Agency] has been the primary contact point with Cllr Turner. My interaction with him has been through the LGA SIG and their national meetings over a number of years.

“I have found him to be someone who wishes to stir and provoke. He is not afraid to speak his mind. That is not bad thing in itself - I myself always welcome appropriate and constructive challenge. However, his interventions at various meetings of the SIG have not been constructive. He has tended to filibuster and not just provoke, but attack. So, his interventions have often been aggressive and have sought to rubbish what a person is doing.

“There is rarely a balance, and he often cuts through and interrupts a presentation, and indulges in an aggressive attack. I myself have sometimes been on the receiving end of that as I was on 5th June. I expect a range of feedback and a range of knowledge and experience at SIG meetings as I do at public meetings. I myself am self-assured enough not to get broken down by that kind of behaviour. But I have witnessed others who were less resilient or newer in their jobs or have a difficult message to deliver who would not take that kind of attack in the way that I would. I certainly have second hand accounts of inappropriate, aggressive interventions, and even threatening behaviour (in person) by Cllr Turner.

“I don't remember some of the things that were said and there were other things that were said where I thought after the meeting, “Well, that's just Cllr Turner!” I know that he doesn't like, doesn't agree with, and hasn't signed up to Shoreline Management Plans. He appears to be something of a climate change sceptic and dislikes some of the things we are trying to do in the Plans. His attacks have tended to be against the Plans themselves.

“But in June I would characterise his behaviour as a “strong rant” against the Plans and the whole principle of what we are trying to do. It then became much more personal, “You come here, and you tell us about these things. You’re wasting my time. Your work is pointless.” It felt much more aggressive and personal (though there was no name-calling or “I know where you live” kind of stuff!).

“He indulged in a strong, extended rant. Becky, who was chairing the meeting, several times tried to stop him and rein him in, but she could not get a word in. In the end she just had to tell him to stop. At that point he finished his rant, said he was leaving and walked out, apparently for a COVID jab. He certainly made a dramatic performance of leaving and, if it was the case that he had to leave anyway, it was somewhat disingenuous!

“On this occasion he was *very* unprofessional. He crossed the line into unprofessional behaviour. In the Environment Agency we accept that we are unelected, that we sometimes have difficult messages to convey as an arms-length body and that, in some ways, we are therefore an easy target. We know the criticisms that are going to come our way. It’s the same with other organisations such as the Marine Management Organisation. Everyone loves the environment until they are required to change their behaviour or do something extra. Then it becomes a pain for them. We are used to that. But at the same time you do go to work expecting a certain standard of conduct and discourse from those you interact with. On 5th June Cllr Turner definitely crossed that line.

“As far as his behaviour towards Becky was concerned, I don’t recall exactly what he said to her, but he was certainly talking over her. He saw her as someone trying to frustrate him from saying what he had to say. It was almost, “How dare you?”. He showed no respect towards her as Chair and completely ignored her. Such respect is expected of those who attend a meeting to allow it to proceed smoothly, to give everyone an opportunity to speak and to get through the business at hand. That was when it turned from an attack on me to an attack on her for trying to stop him.

“That has always been a challenge with Cllr Turner who tends to just talk and talk, to filibuster. That’s a shame because there were plenty of people with positive things to say at that meeting and they would have left that meeting with a very negative feeling because they had not had the opportunity to contribute.”

8.1.4 5TH JUNE MEETING - TEAMS CHAT

We were supplied with the copy of the Teams Chat from the 5th June meeting. It suggests that Cllrs Mary Penfold (Dorset Council), Claire Hodson (Torrige District Council), Andrew Mier (Rother District Council), Rachel Creevy (Hartlepool Borough Council), Nick Turner, and Ernest Gibson attended the meeting.

A single comment by Cllr Rachel Creevy of Hartlepool Borough Council at 12:31pm says, “I think it was brief comments Cllr Turner and this is a training session”.

8.1.5 CLLR NICK TURNER

When we spoke to Cllr Turner about the meeting we asked him whether Cllr Gibson’s portrayal of Cllr Turner’s behaviour as described in the Complaint was a fair and accurate representation of what had happened.

He replied, “No. He has ladled it on with a trowel. He has over-egged the pudding. I don’t remember it that way. I was communicating and so, if it was received the wrong way, then I am at fault. On this occasion I failed abysmally to communicate.

“I was at the wrong meeting. It was a meeting for officers. I shouldn’t have been invited. What would I do with a software tool? The members don’t need to know about it. I don’t remember Cllr Gibson being there though I remember Beccy being there because she chaired it. When I realised I was in the wrong meeting I immediately apologised and left.

“The Shoreline Management Plan started in around 2007 and I have been involved since around 2009. It is about how the coastline is going to be managed. There are three approaches – (i) hold the line; (ii) managed retreat; or (iii) no active intervention. The SMP is split into three epochs over 100 years starting in 2005. During the third epoch, 2055 – 2105, they will not maintain the seawall in part of Frinton so some houses and part of the golf club will probably be under water. This is not academic and arcane. There are consequences even today. House sales have been lost because of this approach.

“This is totally unnecessary, and I have been saying that repeatedly and consistently, like a dog with a bone, since 2009. They may not like it, but I stick to my guns. It’s why I have been re-elected so many times. The coastline *can* be defended. Tending can solve it, with permissions and professional help.

“When I attended that meeting on 5th June I thought it was another opportunity to make my point and an opportunity to draw attention to the difference between national and local perspectives and find a way to protect our coastline. I don’t know why people are attending these meetings if they aren’t trying to achieve something. I have drawn the Environment Agency’s attention to this differential in the past and been told to go forth and multiply.

“On that particular occasion I was out of court. I instantly accepted that and apologised because Beccy did speak to me. I said, “Yes, you’re quite right Beccy”, I instantly realised I was becoming disruptive (even though nobody said that to me at the time), so I immediately left the meeting. I definitely went too far because the meeting wasn’t about policy, it was about the software tool. It wasn’t appropriate to follow it through at those meetings.

“I wouldn’t have thought it was reasonable for Cllr Gibson, Beccy Lofts and Nick Hardiman to say that I went so far as to breach the Code of Conduct. I was robust. I was firm. But I was speaking to one script, and they were speaking to another. We were on different pages. As soon as I realised that I apologised and left the meeting.

“I have upset people, and I am not about that. There was no “personal attack”. They are being paranoid. I don’t allow my personal feelings to come into it. I am a businessman. It’s about achieving results. I seek a meeting of minds. I don’t know why they suggested it was a personal attack. They must think that way. I don’t allow myself the luxury of liking and disliking and never have done. I apologised because I had caused upset. That’s why I walked away. I realise that I am contentious. But the proof of the pudding is that Frinton, where I have lived for 33 years, still want me to represent them. It’s not pleasant being a councillor and this sort of thing just exacerbates it. No right-minded person would put themselves in this position.”

We remind the reader at this point of Cllr Turner’s response to the Complaint, which is set out in Section 5.2 above.

8.2 29th JUNE – QUARTERLY MEETING OF THE SIG

8.2.1 MINUTES OF MEETING

All but one of the ten people we spoke to were present at the 29th June meeting . In total there were 49 attendees. The meeting was not recorded but it was minuted. The minutes record three comments by Cllr Nick Turner. Under item 13, “Presentation: World Drowning Prevention Day 2023 and Float to Live Campaign” it is recorded that “Ross MacLeod (RNLI) presented Members with an overview of current water safety campaigns and the work of the RNLI. The minutes further record that, “An elected member in attendance begun a discussion around water safety issues in a manner that led to the Chair closing down the item.”

8.2.2 CLLR ERNEST GIBSON

Asked about the 29th June meeting Cllr Ernest Gibson said, “Ross MacLeod of the RNLI made a presentation about “World Drowning Prevention Day” which was approaching.

“I know that Nick Turner had an issue about the Coastal RNLI station near him closing, I think it was, and about people drowning in his area and he criticised the RNLI about that. After Ross, who is very capable, calm, professional, and level-headed, started his presentation he too was interrupted by Nick Turner. Nick raised the scenario of Afro-Caribbean people drowning. I made some notes at the time. “I know these kind of people” he said. He suggested that they could not float or swim. He suggested that they couldn’t take it in because “they don’t listen”. The other aspect was about cultural clothing. In South Tyneside we open the baths at certain times to accommodate Muslim females and you see them at our beach dressed in the same way.

“But Nick Turner was indicating that their clothing – “how some of them dress” - was causing them to drown. If that was what he thought he could perhaps have found a different way to say it and perhaps proposed that there be some education to teach people about the hazards of swimming in their clothes, but he didn’t do that. He was constantly talking about Afro-Caribbeans. “These people can’t float, and they won’t float, you know”, he said. It is nonsense to say that. *Everyone* can float and Ross was trying to get that point across, but Cllr Turner just wouldn’t have it.

“He offended people because they had Afro-Caribbean family members who didn’t want to hear what he had to say. Perhaps he was talking about Muslims, but he was certainly talking about Afro-Caribbeans. He also mentioned the Germans. “Don’t get me started on the Germans”, he said, though I don’t recall what led up to that comment. He just seemed to be on a roll. He showed prejudice towards people of different faiths and ethnic backgrounds.

“Had a Council Officer made the same remarks I would have marched straight in to see the Monitoring Officer and the Chief Executive to get them sorted out. You have to treat people with respect, you have to listen, you have to be tolerant. People don’t always see things the same way and all points of view and opinions deserve to be heard.”

8.2.3 ROSS MACLEOD

Asked about the 29th June meeting, Ross Macleod of the RNLI replied as follows.

“There was an earlier, face-to-face meeting on 7th December 2022 in London. I vividly remember Cllr Turner – Nick – standing up in a room with a large audience and saying that he had an axe to grind with the RNLI about discussions that were going on over the Walton and Frinton lifeboat. He intended, he said, to oppose proposals which were to change the class of lifeboat from an all-weather boat to an in-shore inflatable. I took him aside later and said I would follow up, which I did, though it is not my area of responsibility. I put him in touch with the local team and I understand there was a discussion with them some time later. I wanted his voice to be heard. He appears to have strong connections with the Walton and Frinton crew.

“His words and approach on that day in such a public space made me feel uncomfortable though I didn’t take it any further. He could have achieved the same end in a side conversation. My experience of being with Nick in a number of meetings over the years is that he is very vocal and likes to have his voice heard. I don’t know why he chooses to approach things in that way.

“The 29th June meeting was held online. I was briefing the Group on World Drowning Prevention Day (25th July) and the RNLI’s “Float to Live” Campaign. I was sharing some information and related advice on research about how people can best survive in different water conditions. I mentioned that there was a 60 or 70 page report on the subject.

“When I finished presenting, Nick came straight in and said in a derogatory way that he couldn’t believe we were spending money generating such lengthy reports when we are closing lifeboat stations. I can’t remember exactly what was said, but he was derogatory towards the RNLI’s approach to spending money.

“Whilst I was sharing some of the campaign posters he observed that there was an apparent lack of diversity in the material (I happened to have a white male on the poster). I pointed out that we have a number of different actors in our material and that they are appropriately diverse so that we can identify with people from different communities. I made the point that we work closely with an organisation called the Black Swimming Association which aims to promote the participation of Black Caribbean and Asian people in water sports.

“He didn’t appear to take any of that on board and was in transmit mode. He said that the materials did not reflect those who were drowning in his area (though he didn’t go so far as to attack me personally). He said that many of those who had drowned in Clacton were wearing clothes in accordance with their religious beliefs. One phrase that he definitely said that stuck in my mind was, “It’s not that they can’t float, it’s that they won’t float”. I felt that that was very pointed, and I was really uncomfortable by that stage.

“The RNLI is putting a great deal of effort into making sure that our water safety efforts are more inclusive and that we consider all the diverse parts of the community to save more lives at sea. It is a priority for the RNLI and is identified in our strategy. I have been personally involved in that and I felt attacked as a consequence. He was unfairly attacking the organisation that I represent.

“I found his language clumsy, at best, and that it could easily fall into racial stereotyping of the kind that “black people can’t swim”, “black people can’t float”. These are myths. The suggestion that “they won’t float” sat really uncomfortably with me in a public, albeit a closed, forum. He also referred to clothing and a perceived tendency for certain groups, Muslims for example, to go into the water fully clothed for cultural reasons. That too is something of a myth because, initially at least, if someone falls into the water wearing clothes it gives them more buoyancy. This is

evidenced in RNLI research with the University of Portsmouth. Of course, if someone tries to swim fully clothed then that will act as a drag on them. The issue is more about swimming ability and water confidence than clothing.

“I am aware that they have had a few tragic and high profile drownings in Clacton They have had people of colour drown there. It is a big challenge in Clacton and more widely. People coming to the coast from a big city sometimes have a lack of knowledge around tides, waves, currents, and the like. I think that maybe Nick feels some frustration that he hasn’t been able to be part of a successful solution locally to prevent these drownings.

“I don’t think he said what he said out of malice. Rather that he was uninformed and that he likes the sound of his own voice. He tends to portray himself as knowing best in a lot of situations. I am proud of what I and the RNLI do, and it seems as if he never wants to listen to anyone else’s opinion, even though we do have a number of subject matter experts who contribute to the Group’s work.

“Cllr Gibson tried to politely shut Nick down, but he carried on speaking anyway. I spoke to Beccy immediately after the meeting who was still online with her colleague, Bethany, and told her it had made me feel uncomfortable. She agreed and I believe that others may also have raised the same concerns as I did.

“I feel positive about the SIG, but I felt uncomfortable and embarrassed at what Nick had said at that meeting. His comments were not helpful or constructive. We had a couple of new members at that meeting, and it was just inappropriate for them to be subjected to that. Had such comments been made at a meeting by someone working for the RNLI, a disciplinary process would follow, or a very strong conversation would take place. It was not the kind of acceptable language and behaviour that we would expect of an RNLI volunteer or staff member.

“I don’t think Nick appreciates the impact he has on other people. He has a low level of self-awareness. Maybe he just doesn’t care? His approach to his role may have been acceptable 20 or 30 years ago but it isn’t today. I am just pleased that none of my colleagues from the Black Swimming Association were present. In fact, I don’t think anyone of colour was on the call. That would have made a difficult conversation even more difficult. I’m now kicking myself that I didn’t challenge a little more publicly at the time.”

In answer to a question from us, he said that he did not recall any derogatory remarks about the Germans.

Asked how Cllr Turner may have breached the Code of Conduct, he replied, “We have already discussed his racial stereotyping. I felt uncomfortable that a local councillor was making such comments so vociferously in public. Whilst I don’t think he is a racist, he should certainly be more considered about what he says. As a leader within his own community, I would expect him to treat others with respect. I don’t feel he did that on this occasion. He very obviously has an axe to grind with the RNLI (his words) and that seemed to prevent him from dealing with things objectively and impartially.”

8.2.4 BECCY MACDONALD-LOFTS

Asked about the meeting, Beccy MacDonald-Lofts said, “I had a brief, informal conversation with the police about what happened at the meeting. They asked me if I thought a criminal offence

had been committed. I replied that I felt that Cllr Turner did what he did more out of ignorance than it being a malicious targeting of a group of people. I said that I did not think his behaviour was of a criminal nature though I did feel that he had breached the Code of Conduct. I also said that I thought it would be helpful if they spoke to him about what had happened and told him that remarks like that could lead to criminal charges.

“The 29th June meeting was a run-of-the-mill meeting with updates from various people. We were talking about wind farms, and I was seeking feedback from councillors for the national group on which I sit. Cllr Turner was talking about lines coming into Tendring from different types of energy sources. I seem to recall that one of the lines came from Germany or was from a German company or something like that.

“He then said, “Don’t get me started on the Germans, we all know what they’re like” and that sort of thing. I am half-German and I have heard these kinds of comments my entire life. I have had a lot of racial hatred because I am half-German including bricks through windows. So, things like that and that kind of tone stick in my head straightaway. I was *not* happy. Rather than deal with it there and then I decided to speak to the Chair about it later because we do have councillors from a certain generation for whom comments such as that are acceptable. Such comments *do* matter.

“Later we were talking about beach and water safety. He said that in his council they had a really sad and unfortunate instance where a family had drowned. It then started to take a very different note. He started to blame what they were wearing for their drowning and insinuating that what they were wearing was to do with their religion.

“We quickly moved on and we progressed through the agenda before Ross MacLeod of the RNLI gave his update. That included the work he has been doing with the Black Swimming Association. Cllr Turner then asked to speak and reminded the meeting of what he had said earlier. “The clothing they were wearing was the problem”, he said. Ross immediately interjected and said that there were lots of reasons why people drown, not just clothing, and there was a need to raise awareness. Lots of work was being done with certain minority groups to increase the number of people who can swim.

“Ross was trying to stop him taking this line. Then Cllr Turner interrupted him and said Ross was misunderstanding him. It was not that they were willing to learn to swim, in fact they did not want to swim and were just going to drown. He was talking about people of certain backgrounds – Afro-Caribbean and maybe Muslim. He also said that it wasn’t “that they can’t float, it was that they won’t float”. As an aside, I also have a family member of Afro-Caribbean descent and have lots of Afro-Caribbean friends, so I was offended by these comments as well.

“That comment was completely unacceptable and really upset Ross and a lot of other attendees. A lot of people turned their cameras off because they were horrified at his remarks. You just don’t make disrespectful statements like that about groups of people of a certain ethnicity. It was as if he was blaming the people themselves for their drowning in his area. You shouldn’t even think that way let alone say it. Ross and Cllr Gibson tried to steer him away from such comments.

“Cllr Turner then started shouting and saying that he had a bone to pick with the RNLI anyway. They were taking away Tendring’s lifeboat. He then started to attack Ross. Cllr Gibson tried to shut the discussion down, but Cllr Turner just carried on in the background having a go at Ross

and the shortcomings of the RNLI. Eventually Cllr Gibson closed him down, something Cllr Turner doesn't like. His behaviour made us look like we were complicit in such comments when we weren't. Once more, at that time, we didn't have the authority to eject him from the meeting. We do now, it's in our terms of reference.

"I found out from Ross that Cllr Turner also spoke to him about the work of the RNLI at the in-person meeting we had in December at the LGA headquarters in London. There was also some kind of incident at that meeting and the microphones had to be turned off during the break because someone was saying something inappropriate. It was suggested by others that it was Cllr Turner though I couldn't find out exactly what had been said.

"All this has really damaged the reputation of the SIG. I have had to spend many hours trying to ensure that we don't lose our partners or our membership. We had several new councillors on that call who were shocked by what happened. It was also Sidonie Kenward's first meeting representing the MMO and you have seen her reaction from the email that was shared with you. What happened is on the grapevine and people are asking whether the SIG is complicit in such behaviour. This has been very damaging to us."

8.2.5 CLLR DEREK BASTIMAN

Cllr Derek Bastiman confirmed that he had been present at the 29th June meeting. We asked him to expand on an email that he had sent us on 8th October. It read, "*I am pleased to have the opportunity to comment on the member's attitude at that meeting. Whether any meeting is via Teams / Zoom or actual [face to face] respect is the key word every time. The person in question was extremely rude to Officers be it from the LGA SIG Group or invited attendees.*

Members attend these meetings to work collectively to improve our Coastal areas and such action, not for the first time may I add, is totally unacceptable and should play no part in our work. I have been a councillor for many years and have won and lost discussions many a time. You have to be professional, accept the decision, and most importantly respect other people's comments.

Elected members should and are aware of the Nolan principles and, on this occasion and others, the subject person was guilty of not adhering to those principles. In short, the member should not be on the Board."

He replied, "Nick Turner is very forthright and thinks he knows everything and everyone else knows nothing. He has a cavalier approach to people. He sees no good in the efforts of anyone else and just doesn't accept other people's comments, decisions, or explanations. He certainly knows he's doing it when he behaves as he does and seems to derive a certain pleasure or satisfaction from doing it. He gives the impression of speaking without thinking.

"This wasn't the first time he had been rude in my presence. I have heard him during face to face meetings making rude comments and being derogatory about other people. I would prefer not to have to engage with him at all.

"He was *extremely* rude and offhand at the June Quarterly Meeting and showed no respect for officers and others, and in particular Ross MacLeod of the RNLI during a discussion on lifebelts (something I myself am passionate about), lifeboats, and water safety. Nick went off on a tangent about a lifeboat in his Council area and was very rude to Ross. Ross is one of the most inoffensive

and nicest people you would ever wish to meet. Nick was also rude and curt to a person from the Environment Agency who was also at the meeting.

“People from external bodies attend the meetings to be helpful and supportive and do not need to be spoken to in that way. I don’t recall what he said verbatim, but I was left with the overall impression that he had been “bloody rude”, and that impression has stuck with me ever since. I do not need to know exactly what he said to state that he was extremely rude.

“I also recall him making racist comments during the meeting. I mentioned an incident in Scarborough Harbour involving a young Asian boy who found himself out of his depth and came close to drowning before being rescued by the RNLI. He had floated like a starfish and knew about the “Float to Live Campaign” from watching TV programmes. Sometimes people coming to the coast from inland, like that young boy, don’t understand the power of the sea.

“That then gave rise to what I saw as a racist tirade from Nick Turner who referred in racist terms to people who don’t bathe dressed in the way that you and I might be dressed for bathing because of the demands of their religion. There was also some sort of comment about people from certain racial backgrounds and floating. I don’t recall what he said or who it was about, but I do recall that, once again, his remarks were racist. That stuck with me. He also said something derogatory about the Germans, though again I don’t recall the detail and can’t remember how we got onto the subject of the Germans. These kinds of remarks are typical of his attitude. He showed himself to be a racist as far as I am concerned.

“It doesn’t matter how much the Group has achieved. This kind of behaviour is very bad for the reputation of the SIG and is simply going to turn people off coming to the meetings. I myself, who am a great supporter of the work of the Group, would not want to be associated with it if that kind of behaviour was allowed to persist.”

8.2.6 SIDONIE KENWARD

When we spoke to Sidonie Kenward, of the Marine Management Organisation, we first asked about an email that her colleague Katharine Ludford had sent to the Lead Officer on 10th July. It read, “*“[One of my colleagues] stated that during the RNLI presentation there were inappropriate comments made, that were derogatory to people of a certain race, by a Councillor that made them very uncomfortable. I was also made aware that the Chair did not respond to the comments stating that they were inappropriate and that they were not acceptable.*

I would like to make it clear that we do not condone these kinds of comments and we do not want to be a part of these meetings with comments like these being made.

Could you please confirm that these types of comments will not be made in future meetings and that the Chair will shut these down / condone them if any are made.”

In response she said, “There were inappropriate comments made in two separate parts of the meeting, not just during the RNLI presentation. I felt like I wanted to say something during the meeting, but I was aware that it was my first meeting and that I was representing the MMO rather than myself. I was unaware of the etiquette, as it were.

“I struggled with it afterwards and thought it all through because my immediate feeling was that what had been said wasn’t right or appropriate. So, after some consideration, I raised what had

happened with my line manager afterwards and it was escalated to Katharine who is the person who deals with anything of this nature within the team.

“I was asked to put together a summary of my recollections of what happened at the meeting. I sent it to my line manager in the first instance, and this was shared with Katharine. She would have referred to that when preparing the email to send to Beccy that you have just read out.

“One of the items on the agenda was about World Drowning Prevention Day. Ross MacLeod of the RNLI made a presentation on floating. Before the presentation began Cllr Nick Turner had commented on how Afro-Caribbean people go into the water in their clothes. He talked about a drowning that had happened in his district a few years ago. The victims were an Afro-Caribbean brother and sister who had been wearing clothes. Had they not been wearing clothes, he said, they probably wouldn’t have drowned. That was when he first raised the subject. I thought it was a strange thing to say at the time. It seemed odd and out-of-place.

“Cllr Turner then picked it back up and elaborated on the point during the presentation made by Ross MacLeod. Cllr Turner talked in general about his dissatisfaction with the RNLI. He then said that Afro-Caribbean people were unable to swim. He said something like, “Can’t” is a strong word but they don’t want to swim, and the RNLI really needs to focus its efforts on these people”. It was known, he said, that Afro-Caribbeans had a different kind of body structure and were unable to float because of it. He didn’t seem to have any basis for saying this other than what he had said earlier.

“Ross said that they would have to agree to disagree over that. I felt uncomfortable with what Cllr Turner was saying because of the way in which he was saying it. It sounded very derogatory – “these people, they don’t know how to swim” – it was almost as if he was saying that they were so stupid for going into the water with their clothes on. I felt he was saying it in that way, and it came across as racist.

“I was thinking that there might be sections of society who don’t get access to swimming lessons and that, maybe, he could have approached his point in a different way. But he didn’t and I was left with the feeling that the way he was talking about the subject was inappropriate. Because it came across to me in such a derogatory way I felt that there was a racist element to it – and I do know that that is a strong accusation to make against someone. He was making derogatory comments about particular groups in society. It was “a spine-tingle-this-doesn’t-feel-quite-right” moment. I could see that Beccy looked really uncomfortable on camera.

“There is no diversity whatsoever in the SIG, which is another matter altogether. We were all white people sitting discussing an issue that none of us have any real lived understanding of. Had someone said what he said to me one-on-one, I would have said something, so I was really quite taken aback that he was saying what he said in a public forum.

“I don’t recall anyone trying to calm him down and bring him to order. Ross, the RNLI representative, who comes across as very amenable, was dealing with what Cllr Turner was saying (because he was interrupting his presentation) in quite a constructive way by saying that he didn’t agree with him. Cllr Turner was being very dismissive of the report that the RNLI had done on drowning and floating. He was more or less saying, “Why would you do a report on floating?”. Ross was trying to explain the rationale behind it. Saying “we will have to agree to disagree” was a kind of way of shutting it down.

“I myself thought that the Chair should have intervened (which is what Katharine said in her email) and he did not. Had someone been shouting and swearing I don’t think the Chair would have remained silent, but he did in this case.

“This matter was raised at last week’s meeting (held on 14th September 2023) under “Group Standards.” It had previously been up to the members collectively to decide whether an individual should stop talking or adjourn the meeting. That has now been amended so that it is the Chair’s clear responsibility to intervene. It is for the Chair to adjourn the meeting and speak to the individual concerned or adjourn and remove that individual from the meeting.

“I felt that Cllr Turner was completely oblivious to the offence he was causing. He seemed to be expressing what he honestly thought and said what he said just like he would say anything else. It appeared to me to be an ingrained belief – “they are like this and that’s how they all are” – which didn’t sit at all well with me. There was perhaps a time when such statements were acceptable but (even though it was, in fact, never fine) it is not acceptable today.”

In response to a question from us Sidonie Kenward said that she didn’t recall anything derogatory being said about German people.

8.2.7 RHYS HOBBS

Asked about the meeting Rhys Hobbs, of Cornwall Council, said, “My memory of what happened at the meeting is fairly vague – several months have passed since then. I remember comments that were made about drowning and safety related matters though I don’t remember any of the detail of what was said.

“I remember comments being about people of a particular racial background and the speaker’s perception of the risks of drowning for people of that background. I remember the suggestion that the victims’ race may have played a part in their drowning and their ability to survive in the sea. The comments made by the speaker certainly reinforced racial stereotypes and were opinions rather than statements of fact.

“Cllr Nick Turner was one of several councillors involved in the discussion. I am not completely certain that it was Cllr Turner who made the comments, though they were certainly made by a councillor rather than an officer. I do, however, remember that the comments made were not at all appropriate in the context of the topic we were discussing, if in any context at all. The topics being discussed were “World Drowning Day” and “Float to Live”. I remember feeling uncomfortable about the comments at the time. The discussion became quite animated, and the Chair closed it down quite quickly.”

8.2.8 ALYSHA STOCKMAN

Talking about the meeting, Alysha Stockman, of East Suffolk Council, said, ““I remember Ross MacLeod’s presentation, because I had seen it before. He talked about the “Float to Live” Campaign and how the RNLI had been working with the Black Swimming Association on “myth-busting”. He was saying that they had done a lot of research into myths around black people not being able to float or swim.

“Cllr Turner came in either during the presentation or during the questions section at the end. He was disputing what Ross MacLeod said. I don’t remember exactly what he said though I do think

he said, “black people can’t swim or float”. I think he was talking about Afro-Caribbeans because there had been references by Ross to the Black Swimming Association.

“Ross came back very professionally and said that the evidence said otherwise and that they would just have to agree to disagree. He was trying to explain how what Cllr Turner said was not borne out by the evidence the RNLI had. But Cllr Turner wouldn’t let him speak. He wasn’t willing to listen to what other people had to say. He appeared to be very set in his views. He came over as disruptive in that he would not allow Ross to counter what he had to say. It seemed to me to be that that was the way he was, his personality, rather than being malicious.

“I didn’t say anything in the meeting. I could see how his comments could offend or upset people, though I didn’t take any personal offence myself because he’s not my local councillor and I felt somewhat detached from what was being said. Had my own local councillor said that (which, of course, they didn’t) I would be concerned that they were representing my community and saying other things that may not be true.

“I would be concerned that that way of thinking might prejudice anything else they might say or believe. I would be concerned that their thoughts on ethnic minorities might apply to other areas and not just to being able to swim. I think that what Cllr Turner said could be construed as racist, though I am not sure that there was enough context to define it as racist.

“I don’t remember anything being said about Germans.”

8.2.9 CLLR NOEL GALER

We asked Cllr Noel Galer what, if anything, he recalled about Cllr Nick Turner’s alleged behaviour at that Quarterly Meeting. He replied, “I was aware of somebody, who I couldn’t identify by name, who seemed not to be under the control of the Chair and was not really behaving in a professional manner. They were perhaps not being politically correct or even being fully respectful of everybody’s views and religions and so on. But I couldn’t identify Cllr Turner as the person in question. Nor could I really give you an example of things that were said. I can’t remember anything specific. I just recall an overall feeling that they had perhaps gone a bit too far in what they said.

“I see so much variation in the behaviour of councillors. I myself tend to be quiet and considered and miss the moment sometimes when others dive in and say things that might not be correct. I try to contribute in a meaningful way. However, the behaviour of the councillor was not so bad that I was shocked. Maybe my trigger is not as sensitive as that of others and nothing much surprises me. Probably for that reason I didn’t spot what others have spoken about.

“A lot of councillors are in their later years and do not necessarily improve at that age. I myself tend to be somewhat accommodating of people. I think it is fair to say that what was acceptable a generation or two ago is less acceptable now. But I did not hear what might be called overt racism from the councillor concerned and I do in any event think that we tend to be over-sensitive at times these days. I tend to be inclined to put certain comments down to ignorance and age and outmoded attitudes. It appears in any event that if this person is stepping back from the SIG then the matter has resolved itself naturally and is unlikely to happen again.

“I don’t think that what was said affected my opinion of the SIG. I think it affected my opinion of the individual in that I might not have taken their views or opinions seriously in future. As I said,

I am tolerant of individuals. Some are succinct whilst others ramble on. I think the Chair ought to have stepped in and told them that they had said enough, but the Chair didn't do that. I think the councillor's contribution was a waste of time if anything.

"I don't recall any comments being made about Germans."

8.2.10 CLLR NICK TURNER

When we spoke to Cllr Nick Turner we summarised the Complaint and asked him whether Cllr Gibson's portrayal of what went on was a fair and accurate representation of how he had behaved or not?

He replied, "It depends where you come from and how you see life and look at it. I thought long and hard before I spoke on those subjects. In Tendring we have one of the most dangerous beaches in the land with between five and seven drownings in the last few years. We have a problem with those who come down to visit and don't understand the sea and the dangers and risks.

"I don't know what language to use any longer because the language I've been brought up with is no longer applicable to certain people. We have had some terrible tragedies because people were swimming in inappropriate wear. Some of our seafront staff were not aware of the risks arising from wearing inappropriate clothing to swim. They did not expect people paddling along fully clothed to then jump in the water. I learned about that at the SIG so I could go back to officers and explain what I had learned. I had then done my duty.

"Now, at that meeting, Ross MacLeod was talking about World Drowning Prevention Day. He is supposed to be an expert on these matters, and I wanted to know about floating and Afro-Caribbeans, blacks, whatever I am supposed to call them these days because I didn't know. That's why I asked the question. I said that. I wanted clarification because we have possibly the most dangerous beach in the country. I wasn't being racist. Now I get all this thrown at me. He said it made no difference. I said, "fine" and thus I had no need to tell the officer that we needed to keep an eye open for Afro-Caribbeans. You wouldn't normally do that, or someone could claim that was discrimination. Where do you go with this language? I don't understand.

"As I said in my email to Lisa Hastings [MK: see Section 5.2 above], it was like walking on broken glass. I'm finding the same now talking to you. I don't know what your reaction to what I am saying is going to be. This reaction about race is alien to me. We are all human beings and we all come from different backgrounds and experiences and have different ways of looking at things. I don't like speaking to you on Zoom, I would prefer to be in the room with you. That was one of the problems, if I had seen their body language I would have known what to do. As I said, it's a different world and I just don't comprehend it any longer.

"Locally very few people think like this, so I don't come across it and therefore I don't know how to handle it. I don't understand why people keep looking at things through racial eyes. Here in Frinton we have a Bangladeshi family who run a very good Indian restaurant in the town and have done for many years. A son of that family is now a pharmacist in the town. Second generation working in the town, which is great, wonderful. I don't see him like that but having had this thrown at me I am now seeing it through those eyes."

We then asked how that squared with the remark he was alleged to have made, “Don’t get me started on the Germans”. He replied, “Another of my areas of expertise is planning. We have major windfarms all around here. There are plans for others and there is a need to get the power ashore and into the national grid. They (North Falls and Five Estuaries) have chosen to go through the golf club with an enormous swathe of cable once it is ashore. I have been trying to get some planning gain for the district out of this.

“The Germans want to put the power into overhead power lines, but the Council is against that. A German company is proposing something called an inter-connector. When the Conservatives were the Administration (which changed this year) I was representing the Council on this because I had the knowledge. Bear in mind that these are the beaches where Operation Sea Lion was to take place and as a result we have many pillboxes in Tendring that were built to defend against that though that’s beside the point. [MK: the Operation Sea Lion plan was to invade Britain by sea and air, establish a foothold on the southern coast, and push inland to capture London.]

“So, my remark about the Germans was intended as a joke and I realise that nowadays you’re not allowed to have any humour. I am a humorous person, but humour now counts against you. Other people don’t see it the way I do. I was just joking. I don’t mind them coming through as long as we can get some danegeld out of it, a levy to go across our land. I was bringing that to the attention of the SIG because the same thing is going to happen elsewhere along our coastline.”

We then said that one of the attendees had been offended by the remark because they were half-German. Cllr Turner, “What’s that got to do with it? Why were they offended? It’s only because you choose to look at life that way. I do not understand it as I said in my riposte. I just can’t comprehend that you can go through life looking for upset instead of trying to get an understanding and try and improve it. I walked straight into a brick wall.

“As I said in my email, “I am shocked at how what I said can be so misconstrued” and “I truly do not understand the modern mind”. I stand by what I wrote in that email – I have read it back several times to myself – it was an instant response and I thought that was what was required. I don’t comprehend this, I find it appalling, it shuts down conversation.”

Asked about his behaviour towards Ross MacLeod during the meeting, he said, “I did attack the RNLI about lifeboats but not him. Why do people take these things personally? I didn’t attack anyone personally. There was no meeting of minds so, as a result, it was “Yah, boo, sucks”. Nowadays we have a situation where he or she who shouts first wins.”

He then explained, with some passion, what had happened, as he saw it, with the local lifeboat and its crew members and the RNLI’s role in damaging the lifeboat service locally. He said, “I did have a go because I think that what the RNLI have done is appalling and I didn’t know what the policy was. Unbeknown to me, our MP, Giles Watling, had gone right the way to the top of the RNLI about this but hadn’t told me. I have since learned there is no shifting the RNLI. People are being put at risk because of what the RNLI has done locally. It’s a major loss and I was trying to get to the bottom of it.

“Had I known that when I spoke I wouldn’t have started. I wanted to know what the experience of others was and that was why I raised it in the SIG. I don’t recall any offer being made to deal with this offline rather than in the meeting. I did not receive anything from the RNLI afterwards. I would have happily dealt with it outside the meeting. I raised it because I wanted to know about

the local lifeboat and wanted to find solutions; that's my job as a councillor and local politician. Anyway, I apologise unreservedly. I can do no more.

"That said, "having a go" is not the same as "constantly interrupting, being overbearing, and being highly disrespectful" as Cllr Gibson suggested. One of my assets is that I anticipate well and know what's coming next. And I have never been able to disengage my speed of thought from my mouth. Whether I was seen as overbearing will depend on how someone is as a human being. I haven't found many people overbearing in my life!"

We remind the reader at this point of Cllr Turner's response to the Complaint, which is set out in Section 5.2 above.

9 EVALUATION AND CONCLUSIONS

9.1 CAPACITY

9.1.1 EVALUATION - WAS CLLR TURNER “IN CAPACITY”?

As previously noted, the Localism Act 2011 does not define the term “capacity”. We can, however, turn to earlier case law and to the LGA Guidance in reaching a conclusion as to whether a councillor is acting “in capacity” in any given set of circumstances. We do that here.

In this case, we found evidence that Cllr Turner was a member of the SIG in 2010/11, though no-one we spoke to, including Cllr Turner himself, appeared able to be precise about when he first became a member. In any event, it seems reasonable to conclude that he was involved in the work of the SIG for at least 13 years until his recent resignation and brought considerable value to Tendring by doing so.

On the face of it, in attending SIG meetings, study tours and the like and in taking what appears to have been an active part in meetings, Cllr Turner was acting as, and giving the impression of being, a representative of Tendring District Council. That suggests that the Code was potentially engaged on 5th and 29th June 2023 as it had perhaps been on many other occasions during the previous 13 years.

We do not know the circumstances under which Cllr Turner first started to attend SIG meetings. Nor do we know whether his attendance was official in that the SIG was explicitly recognised as an “outside body” by the Council when he first started to attend. It is not currently recognised as an “outside body” by the Council when by contrast, at Great Yarmouth Council, a near neighbour, it is recognised as such and Cllr Noel Galer (whom we interviewed) is listed as an appointee.

Checks carried out by officers on electronic and paper records dating back to 2015 suggest that Cllr Turner was never officially appointed as a Council representative on the SIG during the last eight years. One explanation might be that Cllr Turner was attending the SIG of his own volition on what might be described as an informal basis. Another might be that the SIG had somehow “fallen off the list of outside bodies” at some point before 2015 and never been put back on that list. Or maybe it had never been on the list in the first place. We simply do not know.

The absence of such a decision does not, however, mean that Cllr Turner was not acting “in capacity” at any time during that eight year period. The minutes show that he attended meetings and took an active part in the proceedings, as he did when he made a speech to the Group on 24th September 2020, for example. The Chair and the Lead Officer of the SIG were not in any doubt that he was doing that as a representative of Tendring District Council and nor was Cllr Turner himself. The minutes we reviewed of several meetings refer to him as such. It was as if he had been officially appointed even though he had not.

Furthermore, there is evidence to suggest that, on occasion, he attended meetings with Council officers, and in particular James Ennos, that officers supported him in fulfilling his role on the Group and that they arranged for the annual subscription fee for the SIG to be paid out of Council funds. Payment of a subscription fee tends to suggest to us a certain formality and a recognition of the value that the Group was bringing to Tendring.

Cllr Turner openly attended SIG meetings and undoubtedly saw value to Tendring in attending. There is evidence that he claimed expenses related to attendance at the Group and that the Council paid those expenses, presumably unquestioningly. In his Register of Interests on 4th July 2023, he disclosed his membership of the SIG under the heading “Other Registerable Interests” albeit as the “LGA Coastal Communities Significant Interest Group”.

It appeared to us, however, that his decision to disclose that membership under Paragraph 12 of the Register was questionable: “any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) (of which you are a member or in a position of general control or management).”

If he believed that he had been appointed to the Group by the Council then Paragraph 9 might have been a more appropriate place to disclose it: “any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority”.

We might be tempted to take that classification as recognition that Cllr Turner *knew* it was not a formal Council appointment if he had not made what appeared to us to be other mistakes on his Register of Interests by, for example, listing “social member of Frinton Golf Club” and “Frinton War Memorial Club” under Paragraph 9 whilst listing the Essex Flood Partnership Board (to which he was apparently appointed by the Council) under Paragraph 10. That suggested to us that Cllr Turner ought perhaps to have given more thought to his completion of the Register.

9.1.2 CONCLUSION - WAS CLLR TURNER ACTING IN CAPACITY?

In summary, on the basis of the evidence available to us and on the balance of probability, we conclude that Cllr Turner was attending the meetings of the LGA Coastal Special Interest Group on 5th June and 29th June 2023 in his capacity as a Tendring District Councillor.

His attendance at the two meetings of the SIG bore the hallmarks of “official attendance”. However, it was not officially recognised as such and we do not know why, for at least eight years, the Council did not see the SIG as an outside body or officially recognise Cllr Turner as serving as its representative on a body which appeared to be bringing some considerable value to Tendring.

Cllr Turner behaved, both at those meetings and apparently previously, as if he had been formally appointed to the Group and would have given the impression to a reasonable member of the public with knowledge of all the facts that he was acting as a Tendring councillor and as a representative of the Authority.

Certainly, the Chair, the Lead Officer and others who attended those (and earlier) meetings believed him to be the Tendring Council representative. So too did Council officers. We do not doubt either that Cllr Turner himself believed it though we do not know whether he knew that his attendance was not officially sanctioned by the Council. The two positions are not mutually exclusive and, either way, the available evidence and the balance of probability suggest that Cllr Turner was acting as a Tendring District councillor and a Council representative.

The Tendring District Council Code of Conduct is therefore engaged.

9.2 COMPLAINT

9.2.1 ALLEGATIONS

As already noted in Section 3.2 above, the Complainant referred specifically to potential breaches of four paragraphs of the Code. Those are:

- Paragraph 1.1 – I treat other councillors and members of the public with respect;
- Paragraph 1.2 – I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play;
- Paragraph 2.3 - I promote equalities and do not discriminate unlawfully against any person; and
- Paragraph 5.1 – I do not bring my role or local authority into disrepute.

9.2.2 RESPECT

The Guidance says the following about **respect**:

“Showing respect to others is fundamental to a civil society. As an elected or appointed representative of the public it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications councillors undertake, not just in meetings. Rude, offensive, and disrespectful behaviour lowers the public’s expectations and confidence in its elected representatives.

“The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to constituents, attending local authority meetings, representing the local authority on outside bodies, and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

“You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

“Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people’s feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.”

When discussing **disrespectful behaviour** the Guidance says:

“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 occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public’s expectations and confidence in you and your local authority and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a local authority, and ultimately create a toxic culture and has been associated with instances of governance failure.

Addressing the question of whether the Respect provision of the Model Code is a gag on councillors, the Guidance says:

“This provision of the Code (Paragraph 1) is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillors’ arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their opinions and concerns in forceful terms. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The code is not intended to stifle the expressions of passion and frustration that often accompany discussions about local authority business.”

Speaking about **freedom of expression** the Guidance says, *“The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply-held beliefs of others.*

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.”

9.2.3 DISCRIMINATION

The Guidance says the following about **discrimination**:

Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your authority may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under the Act. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your authority you should seek advice from the monitoring officer or parish clerk.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are:

- *age*
- *disability*
- *gender reassignment*
- *marriage and civil partnership*
- *pregnancy and maternity*
- *race*
- *religion or belief*
- *sex and sexual orientation*

There are four main forms of discrimination:

Direct discrimination: *treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.*

Indirect discrimination: *treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or*

maternity, race, religion or belief, sex, or sexual orientation but which disproportionately disadvantages them.

Harassment: *engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, which violates another person’s dignity or creates a hostile, degrading, humiliating or offensive environment.*

Victimisation: *treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.*

Examples of discriminatory behaviour include but are not limited to:

- *exclusion or victimisation based on the Protected Characteristics*
- *treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics*
- *comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual’s or group’s characteristics*
- *promoting negative stereotypes relating to individual’s or group’s characteristics*
- *racial or ethnic slurs, insults, or jokes*
- *intolerance toward religious customs*
- *mimicking, mocking, or belittling a person’s disability*
- *homophobic, biphobic or transphobic comments or slurs*
- *discriminating against pregnant people or mothers*
- *declaring (‘outing’) someone’s religion or sexuality or threatening to do so against their will*
- *deliberate, unwarranted application of an authority’s practice, policy or rule in a way that may constitute indirect discrimination*
- *instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.*

A councillor’s personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as “unconscious bias” and it can lead people to make decisions based on biases or false assumptions. Councillors need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.”

9.2.4 DISREPUTE

The Guidance says the following about **disrepute**:

“As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other

councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

*In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:*

- 1. reducing the public's confidence in them being able to fulfil their role; or*
- 2. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.*

*Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.*

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute."

9.2.5 EVALUATION – 5th JUNE MEETING

We spoke to four interviewees, including Cllr Turner, about what happened at the 5th June virtual meeting, which had been convened to gather feedback on the SMP Explorer Tool. A small number of nominated councillors attended the meeting, so our evidence base was necessarily limited. The meeting was not recorded, but a contemporaneous comment made in the "Chat" facility by a councillor during the meeting proved useful to us. The evidence is presented in Section 8.1 above and is, for the most part, not repeated here.

Based on that evidence and the balance of probability it appears to us that the meeting did not progress as it was intended to. Cllr Turner was to some extent successful in repurposing or hijacking the meeting "like a dog with a bone" to instead discuss matters which were of importance to him and not to other attendees. That appears clear (as does her irritation) from the comment made at the time by Cllr Rachel Creevy in the MS Teams "Chat" facility. It appears clear too from the evidence given by Cllr Turner himself.

Even though there are few specifics about the *exact* words he used, Cllr Turner's behaviour at that meeting appears to have been unprofessional, poor and unacceptable. He had indulged in a "strong, extended rant". Witnesses chose to describe him, amongst other adjectives, as being "over-zealous, obstructive, even aggressive". He was overly critical, talked over people, would not be calmed down and would not listen to reason, it was said. He would not allow the meeting to progress as it was intended to.

Speaking somewhat generally, Cllr Gibson said, "Basically, he is disruptive and has been for a long time, but on this occasion he did overstep the mark. He really excelled himself". Beccy MacDonald-Lofts spoke similarly and said, "His disruptive behaviour at meetings has become a consistent issue for us". They appear to have finally lost patience with Cllr Turner after this meeting.

Nick Hardiman echoed their observations saying, “I have found him to be someone who wishes to stir and provoke ... his interventions have often been aggressive and have sought to rubbish what a person is doing.” He commented that “he was *very* unprofessional ... he crossed the line into unprofessional behaviour”.

The evidence also suggests that Cllr Turner made a personal attack on Nick Hardiman, who was presenting the SMP Explorer Tool, something that Nick Hardiman himself confirmed to us. It appeared to us that, in doing that, Cllr Turner was expressing his apparent dislike for the Environment Agency by making what others saw as a personalised attack on one of its staff members and on the software tool he was there to demonstrate. Cllr Turner appears too to have followed that by being “personally abusive” towards Beccy MacDonald-Lofts. He “showed no respect towards her as Chair and completely ignored her.” In making such personal attacks he was damaging his own reputation and, potentially, that of Tendring Council and of the SIG itself.

When we spoke to Cllr Turner, he suggested that his behaviour as described in the Complaint, was an exaggeration and was not sufficient to breach the Code. However, at the same time, he seemed to us to be recognising that his behaviour had not been acceptable. Amongst other words, he described himself as having been “out of court”. He had “instantly realised [he] was becoming disruptive”, he “definitely went too far”, was “robust” and “firm”. He recognised that he had “upset people” and that he was a “contentious” person. “They may not like it, but I stick to my guns”, he said. However, he denied making “personal attacks” saying “they are being paranoid”. In any event he saw fit to “apologise unreservedly for any offence given”.

When we spoke to Cllr Turner we were left in no doubt that he feels strongly and passionately about defending the coastline in Frinton (and, indeed, about other local issues). But, at the same time, it appeared to us that he had failed to control his strength of feeling at the 5th June meeting and that the Chair of the meeting also failed in her efforts to control him. His passion for his town cannot serve as anything other than an explanation for his unacceptable behaviour at the meeting. It does not excuse that behaviour.

In behaving as he did we conclude that Cllr Nick Turner breached the Tendring District Council Code of Conduct by showing a lack of respect by attacking in a personal way two of those who attended the meeting and by failing more generally to respect others who had attended the meeting. In behaving as he did he brought his own role as a councillor into disrepute and, in acting as he did whilst he was a representative of Tendring District Council on an outside body, he brought his Council into disrepute.

9.2.6 EVALUATION – 29th JUNE MEETING

We spoke to nine interviewees, including Cllr Turner, about what had happened at the 29th June virtual meeting, a Quarterly Meeting of the SIG, which this time had 49 attendees. A potentially large amount of evidence was therefore available to us. The meeting was not recorded, though minutes of the meeting proved useful. The evidence is presented in Section 8.2 above and is, for the most part, not repeated here.

Based on that evidence and the balance of probability it appears to us that Cllr Turner’s behaviour at the meeting was once again unacceptable. The minutes of the meeting suggest that, once again, the meeting did not run smoothly, with Cllr Turner the apparent cause.

To some extent his behaviour on 29th June appeared to mirror his behaviour at the 5th June meeting.

- Interviewees referred to Cllr Turner’s derogatory comments about an external organisation, on this occasion the RNLI, with which he had “an axe to grind”.
- He made what felt like a personal attack, this time on Ross MacLeod who was at the meeting to represent the RNLI.
- Witnesses spoke of his unwillingness to be diverted away from trying to focus the business of the meeting on issues local only to him – this time, for example, in challenging the RNLI’s decision to change the class of lifeboat in Walton and Frinton.
- They spoke of his behaviour being part of a pattern over the years.
- Cllr Turner showed a “low level of self-awareness” and was “oblivious to the offence he was causing”.
- Witnesses said he was “not helpful or constructive”, he was “very rude”, “derogatory” and “offhand”. He was disrespectful towards others - “He sees no good in the efforts of anyone else and just doesn’t accept other people’s comments, decisions, or explanations.”
- They spoke of Cllr Turner being “in transmit mode”; he “wasn’t willing to listen to what other people had to say”.
- In behaving as he did, in the eyes of some, he damaged the reputation of the SIG, this time in front a much larger audience, some of whom had not attended previously.
- Once again Cllr Turner felt that he had to “apologise unreservedly for any offence given”.

Based on this evidence we conclude that Cllr Turner again breached the Tendring District Council Code of Conduct by showing a lack of respect by attacking a representative of an external organisation in a personal way and by failing more generally to respect others who had attended the meeting. In behaving as he did he brought his own role as a councillor into disrepute and, in acting as he did whilst he was a representative of Tendring District Council on an outside body, he brought his Council into disrepute.

However, during this meeting, Cllr Turner went further than he had done at the 5th June meeting.

His reference to Germans – “intended as a joke”, he said - went unnoticed by some of those we spoke to (though not by one attendee who is half-German and who was deeply upset by his “joke”). Cllr Turner did not dispute that he had said something like “Don’t get me started on the Germans” but we felt that his references to Operation Sea Lion and pillboxes were very telling. The juxtaposition of those and the comments he made to us about his references to Germans appeared to us to betray an attitude that was rooted squarely in Second World War thinking rather than in the present day.

His derogatory references to swimming, floating, drowning, dress, Afro-Caribbeans and, arguably, Muslims caused very considerable offence and discomfort to some, if not all, of those present. One interviewee called it “a spine-tingle-this-doesn’t-feel-quite-right” moment. Others apparently switched off their cameras.

Cllr Turner did not appear to dispute that he had said what he was alleged to have said but his apparently total obliviousness as to *how and why* he had caused offence appeared inexplicable to us. “Locally (by which he presumably meant in Frinton or Tendring) very few people think like this, so I don’t come across it and therefore I don’t know how to handle it. I don’t understand

why people keep looking at things through racial eyes”, he told us. “It was like walking on broken glass”, he wrote to the Monitoring Officer.

Some of our, perhaps more charitable, interviewees felt his views and opinions were old-fashioned and that they were more common, perhaps, a generation or two ago. Others went so far as to call his behaviour “racist”. He had used “racial stereotyping”. They felt his opinions were “honestly held”.

At the same time, when we spoke to him his concern that there were people who visited Frinton who were, as he saw it, ill-equipped for, and ignorant of the dangers of, swimming in the sea appeared genuine.

On the balance of probability we therefore tend to the conclusion that Cllr Turner made the remarks he made out of ignorance rather than malice and that his language was clumsy and patronising rather than being rooted in what might be described as out-and-out racism, which might have attracted criminal sanction.

Notwithstanding his motives, based on the evidence available to us and the balance of probability, it appears to us that Cllr Turner breached the Tendring District Council Code by exhibiting discriminatory behaviour. In particular (and using the words of the Guidance), he (i) made comments, slurs, jokes, statements, questions, or gestures that were derogatory or offensive to an individual’s or group’s characteristics; (ii) promoted negative stereotypes relating to individual’s or group’s characteristics; (iii) made racial or ethnic slurs, insults or jokes; and (iv) showed intolerance toward religious customs.

In reaching that conclusion we note what appear to be pertinent words from the Guidance which say, “A councillor’s personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as “unconscious bias” and it can lead people to make decisions based on biases or false assumptions. Councillors need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.”

We also note and agree with the words of an interviewee who appeared to us to be saying that, even though she did not feel personal offence at what he had said, Cllr Turner’s behaviour had reflected badly on the community he represented as a councillor. In other words, he had brought Tendring District Council into disrepute.

9.3 COMPLAINT AGAINST CLLR NICK TURNER - CONCLUSIONS

Based on the evidence available to us and on the balance of probability, we conclude that at various times during the “virtual” meetings of the Local Government Coastal Special Interest Group on 5th and 29th June 2023, which he attended as a representative of Tendring District Council:

- 1. Cllr Nick Turner breached paragraph 1.1 of the Tendring District Council Code of Conduct by failing to treat other councillors with respect.**

- 2. Cllr Turner breached paragraph 1.2 of the Code by failing to treat local authority employees, employees and representatives of partner organisations with respect and failing to respect the role they play.**
- 3. Cllr Turner breached paragraph 2.3 of the Code by failing to promote equalities and behaving in a discriminatory manner.**
- 4. Cllr Turner breached paragraph 5.1 of the Code by bringing his own role and Tendring District Council into disrepute.**

10. RECOMMENDATION

On the basis of the conclusions above we make the following recommendation:

1. **That the Monitoring Officer acts in accordance with paragraph 7.1 of the Tendring District Council Complaints Procedure by reviewing the Report and then either referring the matter for a hearing before the Standards Committee or Sub-Committee or in consultation with one of the Independent Persons seeks an informal resolution or mediation.**

Informal Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with one of the Independent Persons and [the] Complainant and seek to agree what [the Complainant] consider[s] to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and/or offering an apology, and/or mediation and/or other remedial action by the Authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee or Sub-Committee for information, but will take no further action.

Hearing

If the Monitoring Officer considers that informal resolution is not appropriate, or the Councillor concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigation Report to the Standards Committee or Sub-Committee which will conduct a hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

2. **That the Monitoring Officer provides training for councillors and/or provides them with clear, written guidance on how to complete their Registers of Interest in particular in relation to Outside Bodies and other external interests.**

APPENDIX 1 – DOCUMENTS AND SOURCES

In the course of the Investigation we reviewed a variety of source materials. These are listed below.

- (1) Tendring District Council website <https://www.tendringdc.uk/>
- (2) Tendring District Council website list of Outside Bodies
<https://tdcdemocracy.tendringdc.gov.uk/mgListOutsideBodies.aspx?bcr=1>
- (3) Tendring District Council website “external meetings, outside bodies and other appointments document” 6th August 2019
<https://tdcdemocracy.tendringdc.gov.uk/documents/s22464/external%20meetings%20and%20outside%20bodies%20report%202019%20FINAL.pdf>
- (4) Tendring District Council Members’ Code of Conduct – adopted by the Council on 22nd November 2022 with a commencement date of 23rd May 2023
<https://www.tendringdc.gov.uk/sites/default/files/TENDRING%20DISTRICT%20COUNCIL%20NEW%20CODE%20OF%20CONDUCT%20MAY%202023.pdf>
- (5) Tendring District Council Complaints Procedure (“the Arrangements”) April 2022
<https://www.tendringdc.gov.uk/sites/default/files/TDC%20COMPLAINTS%20PROCEDURE%20-%20APRIL%202022.pdf>
- (6) Cllr Nick Turner Tendring District Council Declaration of Acceptance of Office 15th May 2023
- (7) Tendring District Wikipedia entry https://en.wikipedia.org/wiki/Tendring_District
- (8) 2023 Tendring District Council election Wikipedia entry
https://en.wikipedia.org/wiki/2023_Tendring_District_Council_election
- (9) Decision Notice, Lisa Hastings 25th August 2023 and related letters to Complainant and Subject Member
- (10) LGA Coastal SIG website <https://lgacoastalsig.com/>
- (11) Complaint Form Cllr Ernest Gibson – 16th August 2023
- (12) Email Cllr Nick Turner to Lisa Hastings – 18th August 2023
- (13) Email Karen Townshend to Melvin Kenyon attaching Cllr Turner travel claim form – 25th September 2023
- (14) Email Keith Simmons, Head of Democratic Services and Elections to Karen Townshend – 8th November 2023
- (15) LGA Coastal SIG Minutes of meetings, emails and other related documents – 2017 to date;
- (16) LGA Coastal Issues Special Interest Group Membership 2010 – 2011
[https://lga.moderngov.co.uk/Data/LGA%20Coastal%20Special%20Interest%20Group/20110303/Agenda/\\$Membership%20List%202010-11.doc.pdf](https://lga.moderngov.co.uk/Data/LGA%20Coastal%20Special%20Interest%20Group/20110303/Agenda/$Membership%20List%202010-11.doc.pdf)
- (17) Clacton Gazette 21st April 2010
<https://www.clactonandfrintongazette.co.uk/news/8112199.sea-wall-strengthening-work-completed/>
- (18) Great Yarmouth Borough Council website Outside Bodies https://great-yarmouth.cmis.uk.com/great-yarmouth/OutsideBodies/tabid/69/ctl/ViewCMIS_OutsideBody/mid/395/id/11/Default.aspx

- (19) Guidance on Local Government Association Model Councillor Code of Conduct
<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respect>

This page is intentionally left blank

TENDRING DISTRICT COUNCIL – Cllr Ernest Gibson, Chair LGA Coastal Special Interest Group (EG) and Melvin Kenyon, Investigator (MK). 9.55 am, 20th September 2023. MS Teams.

Preamble

MK began the interview with the following preamble. “My name is Melvin Kenyon, and I am an independent, external investigator for the Monitoring Officer of Tendring District Council, Lisa Hastings, who has asked me to assist her in this matter.

“It is my normal practice to record interviews and I would like to do that now with your permission. I will use the recording to produce a summary of our conversation rather than trying to make written notes as we talk.

“I will send the draft summary to you for comment before it is finalised and, when you and I have agreed the summary, that will then form the record of our conversation. The recording will be destroyed once the summary has been agreed by us both and it will not be shared with anyone else without your permission in the meantime. Could you please confirm that you consent to this?”

EG gave his consent to the conversation being recorded.

MK continued. “For the benefit of the recording it is now Wednesday 20th September at 9.55am or thereabouts. This is a conversation between Melvin Kenyon and Cllr Ernest Gibson, of South Tyneside Council, concerning a Standards Complaint he made against Cllr Nick Turner of Tendring District Council on 16th August 2023.

“Cllr Gibson alleged in his Complaint that Cllr Turner breached the Tendring District Council Code of Conduct at two separate meetings relating to the work of the LGA Coastal Special Interest Group that took place in June this year.

“I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

“I will be guided in my investigation by the provisions of the “Tendring District Council Members’ Code of Conduct” and by that Council’s “Complaints Procedure” which sets out the Arrangements for dealing with Standards Allegations under the Localism Act 2011. Both these documents can be found on that Council’s website. You should refer to those documents if you wish to further understand what I am doing and how complaints are handled in any detail.

“Once my fact-finding is complete I intend to produce a written report about the Complaint. You and Cllr Turner will each be sent a draft copy of the report so that you can identify any matters with which you disagree or which you believe require further consideration. Having considered comments on the draft report, I will then issue a final version with findings, conclusions, and recommendations, to the Monitoring Officer for her action in line with the Council’s Arrangements. Parts of what you say today may be included in the draft and final reports.”

“If the Complaint were to go on to be considered at a hearing of the Council’s Standards Committee or a Sub-Committee, as provided for in the Arrangements, please be aware that, in

theory, the summary of today's conversation may be submitted as evidence and, in theory at least, you may be called as a witness.

"If you provide me with information of a private or sensitive nature (usually GDPR-type information), I will ask the Committee or Sub-Committee that it be kept confidential. However, there is no guarantee that my request will be followed, and such information may end up in the public domain. Please treat our conversation today as confidential at this stage. Please also be aware that my role includes having to play the part of Devil's Advocate.

"Do you understand what I have said and are you content with it? Do you have any questions about anything I have just said?"

EG confirmed that he had understood what MK said and was content with it.

Role

In response to a question from MK, EG said, "I am a former coal miner. I left the colliery and went to train as a Roman Catholic priest though, in the end, I found it wasn't for me. My whole life has been dedicated to people and to my community. I have been a councillor since 1999. I used to do a lot of work for David Miliband who was MP for South Shields.

"I have been Chair of a number of committees in my time as a councillor and have many achievements. I like service delivery. I work closely with the churches and SSAFA, the armed forces charity, asylum seekers, and disability groups. I believe strongly in local government to give local people a voice. I try to be the voice of the people I represent. Unlike some of my fellow councillors, I am a 24/7 councillor."

LGA Special Interest Group

EG continued, "I am passionate about my town, about the coast and about the LGA Special Interest Group [SIG], which I joined perhaps 15 years ago.

"We are a non-political group, the voice of the coast, of 57 coastal local authorities each of which is unique and has its own particular needs and requirements. Many coastal towns suffer deprivation and employment is often seasonal. There are many, many different coastal issues, and we champion those issues nationally working with many external organisations and interested groups. We cover 66% of the coastline and act as the voice of the coast in England.

"We would like a dedicated Coastal Minister to address these issues in a coherent fashion supported by funding. We work closely with Sally-Ann Hart (Conservative M.P. for Hastings and Rye) Chair of the APPG (All Party Parliamentary Group) for Coastal Communities. We work with Rebecca Pow (Conservative M.P. for Taunton Deane) a Parliamentary Under-Secretary of State at DEFRA.

"I don't know the political persuasion of most of the members who attend the SIG. We come from different political, cultural, and religious backgrounds. We don't play politics and we treat everyone with respect and don't abuse people. As Chair of the SIG and having previously been Deputy Chair, I am supposed to conduct meetings according to procedure under the guidance of officers."

SMP Explorer Tool 5th June Meeting

Asked about the 5th June SIG meeting which discussed the SMP Explorer Tool, EG said. “A Shoreline Management Plan aims to provide a strategy for managing flood and erosion risk for a particular stretch of coastline. It provides estimates of how the coast is likely to change over the next 100 years considering such factors as the geology, the condition of the coast, the existing coastal defences, and the likely impacts of climate change.

“The SMP Explorer Tool is being developed to allow people to access the Shoreline Management Plans for each part of the coast via a website. The meeting on 5th June was intended to allow attendees to comment on the SMP Explorer Tool because some council officers found it very difficult to work with. It is intended primarily for officers to access. It is being developed by the Environmental Agency (EA) and DEFRA, working as a team. Nick Hardiman of the EA joined the meeting to give us a basic outline of the tool.

“Nick Turner was over-zealous and obstructive at the meeting, even aggressive. He gave Nick Hardiman of the Environment Agency a rough ride at this meeting. We all have some issues with agencies like the Environment Agency and the MMO but there is a time and a place for challenge and this meeting was not the time or place for challenge. We have to keep a good partnership with Westminster and the way he behaves can sometimes put that at risk.

“The context was the future development of the SMP Explorer Tool. Nick Turner said that the tool was of no use to his council, it was rubbish and a waste of time. He appeared to me to be verbally attacking Nick Hardiman personally in the way he said what he said to him. He was personalising his comments and talked about “*your* Explorer tool”. Neither I nor Beccy were able to calm Nick Turner down; he wouldn’t be calmed down and wouldn’t listen to reason. He talked over people and did not allow the meeting to proceed as it was intended to. It wasn’t so much what he said as the way he said it. He always goes over the top with things like this. Nick Hardiman wasn’t there to be abused.

“Nick Turner is a gentleman in some ways, and I think he is a good councillor because he represents his residents, he questions and scrutinises, and he is passionate. But at the same time, he is a challenging person and, at times, behaves like a dog with a bone and won’t let things go. In behaving as he does he tends to make some people feel uncomfortable.

“I later discovered that his Council did not even appoint him as its representative on the SIG. So, on what basis has he been attending? On what basis has he now resigned? If he has claimed expenses in relation to the SIG, is that not a false claim?

“Throughout the time he has been attending he has been giving the impression that he is representing the Council, and you can see “Cllr Nick Turner” on the screen during virtual meetings. When we are asked to introduce ourselves to new members he introduces himself as Cllr Nick Turner representing Tendring District Council. When business is being discussed he comments on behalf of Tendring District Council. His comments are always about his Council. Recently, for example, he talked about the impact of wind turbines and power cables from those turbines on his own ward. You will see him on the attendance sheet as “Cllr Nick Turner” of Tendring District Council. I never doubted that he was there to represent his council. Is all that not a breach?

“Beccy Lofts is the Lead Officer for the SIG and is paid by South Tyneside even though she lives on the Welsh border. She coordinates its work and makes sure I am briefed if I go to meetings representing the SIG. As I said in the Complaint he directed his aggression towards her too. He said that the Secretariat of the APPG (Beccy) was a load of rubbish and useless (which, of course, it’s not). He is positive at the meetings when he is talking about what *he* has done. But when *other* people speak he can sail against the wind. He isn’t a team player. He was personally abusive towards her. Once again it was *how* he said what he said rather than *what* he said and how he *portrayed* himself.

“Beccy is an experienced and robust individual, but I know that she was furious about what he said and how he behaved at the meeting. She was concerned about the impression he was giving to other participants and how he was damaging the reputation of the SIG. Talking over people, saying that things were no good and a waste of time.

“We cannot allow this kind of behaviour at the meetings. I tried to close him down, but he would not be closed down and we appeared not to have had the ability to mute him during the meeting itself. Once he gets on a roll he’s impossible to stop. Basically, he is disruptive and has been for a long time, but on this occasion he did overstep the mark. He really excelled himself.”

Quarterly Meeting of the SIG on 29th June 2023

Asked about the 29th June meeting EG said, “Ross MacLeod of the RNLI made a presentation about “World Drowning Prevention Day” which was approaching. Like other councils we recognise and support their efforts at South Tyneside by lighting the building blue.

“I know that Nick Turner had an issue about the Coastal RNLI station near him closing, I think it was, and about people drowning in his area and he criticised the RNLI about that. After Ross, who is very capable, calm, professional, and level-headed, started his presentation he too was interrupted by Nick Turner. Nick raised the scenario of Afro-Caribbean people drowning. I made some notes at the time. “I know these kind of people” he said. He suggested that they could not float or swim. He suggested that they couldn’t take it in because “they don’t listen”. The other aspect was about cultural clothing. In South Tyneside we open the baths at certain times to accommodate Muslim females and you see them at our beach dressed in the same way.

“But Nick Turner was indicating that their clothing – “how some of them dress” - was causing them to drown. If that was what he thought he could perhaps have found a different way to say it and perhaps proposed that there be some education to teach people about the hazards of swimming in their clothes, but he didn’t do that. He was constantly talking about Afro-Caribbeans. “These people can’t float, and they won’t float, you know”, he said. It is nonsense to say that. *Everyone* can float and Ross was trying to get that point across, but Cllr Turner just wouldn’t have it.

“He offended people because they had Afro-Caribbean family members who didn’t want to hear what he had to say. Perhaps he was talking about Muslims, but he was certainly talking about Afro-Caribbeans. He also mentioned the Germans. “Don’t get me started on the Germans”, he said, though I don’t recall what led up to that comment. He just seemed to be on a roll. He showed prejudice towards people of different faiths and ethnic backgrounds.

“Had a Council Officer made the same remarks I would have marched straight in to see the Monitoring Officer and the Chief Executive to get them sorted out. You have to treat people with respect, you have to listen, you have to be tolerant. People don’t always see things the same way and all points of view and opinions deserve to be heard.”

Discussion ended at 11.05am

This page is intentionally left blank

TENDRING DISTRICT COUNCIL – Sidonie Kenward (SK) and Melvin Kenyon, Investigator (MK). 1.15pm, 21st September 2023. Zoom.

Preamble

MK began the interview with the following preamble. “My name is Melvin Kenyon, and I am an independent, external investigator for the Monitoring Officer of Tendring District Council [Lisa Hastings] who has asked me to assist her in this matter.

“It is my normal practice to record interviews and I would like to do that now with your permission. I will use the recording to produce a summary of our conversation rather than trying to make written notes as we talk.

“I will send the draft summary to you for comment before it is finalised and, when you and I have agreed the summary, that will then form the record of our conversation. The recording will be destroyed once the summary has been agreed by us both and it will not be shared with anyone else without your permission in the meantime. Can you confirm that you consent to the recording of the interview please?”

SK gave her consent to recording.

MK continued. “For the benefit of the recording it is now Thursday 21st September at 1.15pm or thereabouts. This is a conversation between Melvin Kenyon and Sidonie Kenward of the Marine Management Organisation concerning a Standards Complaint raised by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick Turner of Tendring District Council on 16th August 2023.

“Cllr Gibson alleged in his Complaint that Cllr Turner breached the Tendring District Council Code of Conduct at two separate meetings relating to the work of the LGA Coastal Special Interest Group that took place in June this year.

“I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

“I will be guided in my investigation by the provisions of the “Tendring District Council Members’ Code of Conduct” and by the Council’s “Complaints Procedure” which sets out the Arrangements for dealing with Standards Allegations under the Localism Act 2011. Both these documents can be found on the Council’s website. You should refer to those documents if you wish to further understand what I am doing and how complaints are handled in any detail.

“Once my fact-finding is complete I intend to produce a written report about the complaint. Cllr Gibson and Cllr Turner will each be sent a draft copy of the report so that they can identify any matters with which they disagree or which they believe require further consideration. Having considered comments on the draft report, I will then issue a final version with findings, conclusions, and recommendations, to the Monitoring Officer for her action in line with the Council’s Arrangements. Parts of what you say today may be included in the draft and final reports.

“If the Complaint were to go on to be considered at a hearing of the Council’s Standards Committee or a Sub-Committee, as provided for in the Arrangements, please be aware that the

summary of today's conversation may be submitted as evidence and, in theory at least, you may be called as a witness.

"If you provide me with information of a private or sensitive nature (usually GDPR-type information), I will ask the Committee or Sub-Committee that it be kept confidential. However, there is no guarantee that my request will be followed, and the information may end up in the public domain. Please treat our conversation today as confidential at this stage. Please also do be aware that my role includes having to play the part of Devil's Advocate.

"Do you understand what I have said and are you content with it? Do you have any questions about anything I have just said?"

SK asked if comments she made might be attributed to her. MK said that if they formed part of his report then, yes, they would. SK confirmed that she had understood and was content with what MK had said. She had a 15 year background in Human Resources and had conducted disciplinarys and grievances. This process had a similar feel to it.

Role

In response to a question from MK, SK said, "I work as a Marine and Terrestrial Planner at the Marine Management Organisation (MMO), a role I took on around a year ago. The MMO was set up under the Marine and Coastal Access Act in 2009. It took over from the Marine and Fisheries Agency which was abolished in 2010 under the Coalition Government. It is an NDPB that sits under DEFRA, which provides funding, and has around 500 employees.

"The MMO manages everything that happens in England's marine environment. We have responsibility for matters in areas such as coastal erosion, ports and shipping, fisheries, wind farms, licensing, enforcement, and the like.

"I work in the Marine Planning Team. There are around 30 of us. We write Marine Plans for different regions of England. I specialise in the inter-tidal area and work in particular with local authorities to understand their local issues and to integrate marine plans with local plans in order to ensure that local and national marine plans cross refer to one another. For example, there may be developments that need a marine consent as well as a planning application.

"The June 29th meeting was the first meeting of the LGA Coastal Special Interest Group (SIG) that I had attended. We see the SIG as a two-way conversation. We want to understand and keep abreast of the issues that member councils are addressing locally around the coast, and we want to update them about the work of the MMO. A member of our Marine Licensing Team also attends the SIG to update authorities on what they are doing and address any issues as they arise. These kinds of links are important too to other external bodies – the SIG is a great sharing resource for them as it is for the MMO.

"The SIG is also important for us because of the links to the All Parliamentary Group via the Secretariat and the wider work that it does, so it's not just the links to the local authorities that are important to us."

Complaint

MK said that the Complaint arose out of events that allegedly took place during two meetings related to the work of the SIG. The first discussed the Shoreline Management Plan Explorer Tool on 5th June. The second was the Quarterly Meeting on 29th June. SK confirmed that she was not present at the 5th June meeting.

Katharine Ludford (a manager in her team at the MMO, SK said) wrote the following in her email to Beccy Lofts on 10th July which MK next quoted.

"[One of my colleagues} stated that during the RNLI presentation there were inappropriate comments made, that were derogatory to people of a certain race, by a Councillor that made them very uncomfortable. I was also made aware that the Chair did not respond to the comments stating that they were inappropriate and that they were not acceptable.

I would like to make it clear that we do not condone these kinds of comments and we do not want to be a part of these meetings with comments like these being made.

Could you please confirm that these types of comments will not be made in future meetings and that the Chair will shut these down / condone them if any are made."

In response SK said, "There were inappropriate comments made in two separate parts of the meeting, not just during the RNLI presentation. I felt like I wanted to say something during the meeting, but I was aware that it was my first meeting and that I was representing the MMO rather than myself. I was unaware of the etiquette, as it were.

"I struggled with it afterwards and thought it all through because my immediate feeling was that what had been said wasn't right or appropriate. So, after some consideration, I raised what had happened with my line manager afterwards and it was escalated to Katharine who is the person who deals with anything of this nature within the team.

"I was asked to put together a summary of my recollections of what happened at the meeting. I sent it to my line manager in the first instance, and this was shared with Katharine. She would have referred to that when preparing the email to send to Beccy that you have just read out.

"One of the items on the agenda was about World Drowning Prevention Day. Ross MacLeod of the RNLI made a presentation on floating. Before the presentation began Cllr Nick Turner had commented on how Afro-Caribbean people go into the water in their clothes. He talked about a drowning that had happened in his district a few years ago. The victims were an Afro-Caribbean brother and sister who had been wearing clothes. Had they not been wearing clothes, he said, they probably wouldn't have drowned. That was when he first raised the subject. I thought it was a strange thing to say at the time. It seemed odd and out-of-place.

"Cllr Turner then picked it back up and elaborated on the point during the presentation made by Ross MacLeod. Cllr Turner talked in general about his dissatisfaction with the RNLI. He then said that Afro-Caribbean people were unable to swim. He said something like, "Can't" is a strong word but they don't want to swim, and the RNLI really needs to focus its efforts on these people". It was known, he said, that Afro-Caribbeans had a different kind of body structure and were unable to float because of it. He didn't seem to have any basis for saying this other than what he had said earlier.

“Ross said that they would have to agree to disagree over that. I felt uncomfortable with what Cllr Turner was saying because of the way in which he was saying it. It sounded very derogatory – “these people, they don’t know how to swim” – it was almost as if he was saying that they were so stupid for going into the water with their clothes on. I felt he was saying it in that way, and it came across as racist.

“I was thinking that there might be sections of society who don’t get access to swimming lessons and that, maybe, he could have approached his point in a different way. But he didn’t and I was left with the feeling that the way he was talking about the subject was inappropriate. Because it came across to me in such a derogatory way I felt that there was a racist element to it – and I do know that that is a strong accusation to make against someone. He was making derogatory comments about particular groups in society. It was “a spine-tingle-this-doesn’t-feel-quite-right” moment. I could see that Beccy looked really uncomfortable on camera.

“There is no diversity whatsoever in the SIG, which is another matter altogether. We were all white people sitting discussing an issue that none of us have any real lived understanding of. Had someone said what he said to me one-on-one, I would have said something so I was really quite taken aback that he was saying what he said in a public forum.

“I don’t recall anyone trying to calm him down and bring him to order. Ross, the RNLI representative, who comes across as very amenable, was dealing with what Cllr Turner was saying (because he was interrupting his presentation) in quite a constructive way by saying that he didn’t agree with him. Cllr Turner was being very dismissive of the report that the RNLI had done on drowning and floating. He was more or less saying, “Why would you do a report on floating?”. Ross was trying to explain the rationale behind it. Saying “we will have to agree to disagree” was a kind of way of shutting it down.

“I myself thought that the Chair should have intervened (which is what Katharine said in her email) and he did not. Had someone been shouting and swearing I don’t think the Chair would have remained silent, but he did in this case.

“This matter was raised at last week’s meeting (held on 14th September 2023) under “Group Standards.” It had previously been up to the members collectively to decide whether an individual should stop talking or adjourn the meeting. That has now been amended so that it is the Chair’s clear responsibility to intervene. It is for the Chair to adjourn the meeting and speak to the individual concerned or adjourn and remove that individual from the meeting.

“I felt that Cllr Turner was completely oblivious to the offence he was causing. He seemed to be expressing what he honestly thought and said what he said just like he would say anything else. It appeared to me to be an ingrained belief – “they are like this and that’s how they all are” – which didn’t sit at all well with me. There was perhaps a time when such statements were acceptable but (even though it was, in fact, never fine) it is not acceptable today. You might want to speak to Mel Nicholls in my team at the MMO and Adrian Clarke from marine licensing at the MMO to see whether they share my opinion of what happened.”

In response to a question from MK, SK said that she didn’t recall anything derogatory being said about German people.

Discussion ended at 2pm

TENDRING DISTRICT COUNCIL – Beccy MacDonald-Lofts (BL) and Melvin Kenyon, Investigator (MK). 10:15 am, 25th September 2023. Zoom.

Preamble

MK began the interview with the following preamble. “My name is Melvin Kenyon, and I am an independent, external investigator for the Monitoring Officer of Tendring District Council, Lisa Hastings, who has asked me to assist her in this matter.

“It is my normal practice to record interviews and I would like to do that now with your permission. I will use the recording to produce a summary of our conversation rather than trying to make written notes as we talk.

“I will send the draft summary to you for comment before it is finalised and, when you and I have agreed the summary, that will then form the record of our conversation. The recording will be destroyed once the summary has been agreed by us both and it will not be shared with anyone else without your permission in the meantime. Could you please confirm that you consent to this?”

BL gave her consent to the conversation being recorded.

MK continued, “For the benefit of the recording it is now Monday 25th September at 10:15 am or thereabouts. This is a conversation between Melvin Kenyon and Beccy MacDonald-Lofts, the Lead Officer for the LGA Coastal Special Interest Group (SIG), concerning a Standards Complaint raised by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick Turner of Tendring District Council on 16th August 2023.

“Cllr Gibson alleged in his Complaint that Cllr Turner breached the Tendring District Council Code of Conduct at two separate meetings relating to the work of the LGA Coastal Special Interest Group that took place in June this year. I have also seen an email that you sent to Cllr Gibson on 19th July.

“I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

“I will be guided in my investigation by the provisions of the “Tendring District Council Members’ Code of Conduct” and by that Council’s “Complaints Procedure” which sets out the Arrangements for dealing with Standards Allegations under the Localism Act 2011. Both these documents can be found on that Council’s website. You should refer to those documents if you wish to further understand what I am doing and how complaints are handled in any detail.

“Once my fact-finding is complete I intend to produce a written report about the Complaint. Cllr Gibson and Cllr Turner will each be sent a draft copy of the report so that they can identify any matters with which they disagree or which they believe require further consideration. Having considered comments on the draft report, I will then issue a final version with findings, conclusions, and recommendations, to the Monitoring Officer for her action in line with the Council’s Arrangements. Parts of what you say today may be included in the draft and final reports.

“If the Complaint were to go on to be considered at a hearing of the Council’s Standards Committee or a Sub-Committee, as provided for in the Arrangements, please be aware that, in theory, the summary of today’s conversation may be submitted as evidence and, in theory at least, you may be called as a witness.

“If you provide me with information of a private or sensitive nature (usually GDPR-type information), I will ask the Committee or Sub-Committee that it be kept confidential. However, there is no guarantee that my request will be followed, and such information may end up in the public domain. Please treat our conversation today as confidential at this stage. Please also be aware that my role includes having to play the part of Devil’s Advocate.

“Do you understand what I have said and are you content with it? Do you have any questions about anything I have just said?”

BL confirmed that she had understood what MK said and was content with it.

Role

In response to a question from MK, BL said, “Whilst I live in the Forest of Dean, I work as the Lead Officer for the LGA Coastal Special Interest Group and am employed by South Tyneside Council, which is the current host Authority for the SIG (the Chair is Cllr Gibson of South Tyneside Council).

“The SIG has been around a long time. It is funded by annual membership fees and has been hosted by several councils over its lifetime. I have been in the role since 2022 and am a marine biologist by training, a marine conservation and education specialist. Everything I do has been about connecting people and nature for the benefit of both. It is about making communities and their environments equally resilient. Unfortunately, if they are to survive, some communities will have to be rolled back from today’s coastline – you cannot concrete your way out of climate change.

“The purpose of the SIG is to represent coastal communities and raise awareness of challenges, issues, and opportunities at the highest level. Many coastal communities are deprived yet they tend to be missed off in the metrics and the data and get swallowed up into more affluent areas.

“My job is to seek out opportunities to raise the profile of those communities and to coordinate the work we do to have the greatest impact. We are loud and we make sure insofar as we can that people are listening to what we have to say.

“We try to produce reports that have a meaningful impact with Government. So, I do a lot of liaison work with the 57 coastal councils that are members of the SIG and spend a lot of time talking to MPs.

“We have a series of working groups that focus on such things as water quality, historic coastal landfill sites, conservation and fisheries, beach and water safety and suicide prevention. My role is interesting and varied. I am solutions focused. If we are to deliver we must work collaboratively and one of my roles is to build and strengthen relationships which are extremely valuable to us.

“Local authorities aside the main bodies represented at the SIG are DEFRA, the Environment Agency, the Marine Management Organisation, the Association of IFCA’s (Inshore Fisheries and Conservation Authorities), Natural England, the Welsh Local Government Association, and NALC. We also work with partner associations that are coastal based like Coastal Partnerships Network,

Coastal Communities Alliance, RNLI, the Pier Society, and several others. If you are on the coast we are probably talking to you and if we aren't we probably should be.

"We are the co-secretariat for the All Party Parliamentary Group (APPG) for Coastal Communities. That is our main conduit for influencing Government of whatever colour. It is a recently established group, and we have Sally-Ann Hart, MP for Hastings and Rother, as the Chair. She knows that the group needs to be nonpartisan. Through this we have been doing something called the Coastal Enquiry which is focused on actions for *immediate* delivery by MPs. This is proving to be highly effective and highly influential. We would like a dedicated Minister for the Coast (which existed until 2015)."

SMP Explorer Tool 5th June Meeting

Asked about the 5th June SIG meeting which discussed the SMP Explorer Tool, BL said, "Put simply, the whole UK coastline is separated into sections according to how sediment moves from one place to another. That impacts erosion and flooding. Each one of those sections is a unit and has a Coastal Group attached to it. Those groups come together independently and are funded by the Environment Agency. Members include local authorities and any other party that has an interest in that section of coast.

"For each of those "sediment cells" there is a Shoreline Management Plan agreed by the relevant Coastal Group. The SMPs identify through prediction modelling whether or not a section of coastline is defensible for the future. Currently those plans are hosted on a multitude of different websites. The SMP Explorer Tool is an online interactive map which is an effort – led by the Environment Agency (EA) - to make all the SMPs transparent, easy to understand and open to all including practitioners, councillors and interested members of the public. We have been working with the EA to help develop the tool and supporting resources and make sure it is suitable for councillors and officers. It is due to be released in December.

"On 5th June we had brought a group of council representatives – nominated councillors only - together informally to give their views on the latest iteration of the Explorer Tool. This was part of a consultative effort by the EA to get feedback on the useability of the Tool (rather than its content). I think six councillors attended, one of whom was Cllr Turner.

"It has since transpired that Cllr Turner was not nominated by his council to attend the SIG though we were not aware of that at the time, or we would not have allowed him to attend. We have never been told that he is not (or is no longer) the lead member for Tendring Council. In fact, nominated or not, he has contributed on behalf of Tendring Council at every meeting he has attended that I have been involved in. He is very vocal, and he attended our December meeting in London in person. He has been on the SIG for around 15 years, I think.

"I have an email chain from him that involves Giles Watling M.P. (Conservative M.P for Clacton and a member of the APPG) that relates to the relationship between the SIG and the MMO. I will share those emails with you because they show him acting as a councillor. I also have another email "Tendring District Council response to the LGA Coastal SIG" signed Cllr Nick Turner, Tendring District Council, which I will also share with you. We do not record our meetings and, because this one was informal, there are no minutes. However, I will share with you a copy of the Teams chat for the meeting when another of the attendees told him to focus because they were becoming irritated at his behaviour during the meeting.

“One of the main reasons I put so strongly in the 5th June Workshop Briefing (which I will send you) that this event was for feedback on the interface only was specifically because of concerns about Cllr Turner’s behaviour if he came to the workshop. He has frequently caused overheated discussion about specific points and will constantly bring up points that he sees as relevant to Tendring District Council and won’t let them go. Even if we say that the forum is not the right one in which to raise a specific point, that won’t stop him, and he will use the Group meetings as an opportunity to have a go at someone or something. His disruptive behaviour at meetings has become a consistent issue for us.

“After everyone joined the meeting, Nick Hardiman of the EA did his presentation about the interface and invited feedback. When he had finished Cllr Turner put his hand up and immediately started to have a go at Nick about how he did not agree with the Shoreline Management Plan for his area and how Tendring District Council wasn’t agreeing to it. Nick tried to focus him on the interface.

“I interjected and told him that this was not the session for this and that a separate meeting could be set up to discuss his concerns with everyone in his SMP area. He then had a go at me. He said he was highly disappointed that I wasn’t doing what he thought I should be doing. He said that what I was doing just wasn’t good enough. Once more I said that this was not the place to discuss his concerns. We were limited to an hour for feedback on the interface and other councillors wanted to provide feedback. Once again Nick tried to manage the situation. Cllr Turner then said that he was leaving the meeting to get a COVID jab before going off on another tangent. By then he had taken up 15 or 20 minutes of the hour available and the remaining councillors were fed up.

“After the meeting had finished I spoke to Nick Hardiman and apologised because the way Cllr Turner had spoken to him was beyond rude. It contained heavy-handed, directed, very personal attacks against him because he wasn’t getting his own way. Whilst I can’t recall exactly what Cllr Turner said – I was taken aback and wanted to recover the situation - I do know it included things like “you’re not doing this” and “you’re incapable”.

“A few days later I was able to apologise to Nick in person. He told me that, had Cllr Turner directed his comments at a less experienced staff member, the EA would have submitted a formal complaint about his behaviour. For Nick to say that was quite a condemnation of Cllr Turner’s behaviour because Nick has worked with him for a long time and knows what he is like in meetings. This went much further than his normal behaviour.

“One to one Cllr Turner is lovely and personable. But his behaviour towards external agencies has been challenging to say the least. In this case I feel that his obstructive behaviour damaged our hitherto strong relationship with the E.A.. Since his outburst we have seen that relationship drop off a bit and I am now having to try to repair that relationship.

“As far as the Code of Conduct is concerned he was disrespectful to both Nick and me. He was disrespectful to the other councillors because we were unable to complete the work of the meeting that they had given their time to. He failed to represent his council in a way that was constructive. Instead, he came over as disrespectful and obstructive. We have since reviewed the terms of reference of the Group and set down the behaviours we expect of those who attend. We now have the authority to exclude people from meetings though we didn’t at that time.

Quarterly Meeting of the SIG on 29th June 2023

Asked about the Quarterly Meeting of the SIG on 29th June 2023 BL said, "I had a brief, informal conversation with the police about what happened at the meeting. They asked me if I thought a criminal offence had been committed. I replied that I felt that Cllr Turner did what he did more out of ignorance than it being a malicious targeting of a group of people. I said that I did not think his behaviour was of a criminal nature though I did feel that he had breached the Code of Conduct. I also said that I thought it would be helpful if they spoke to him about what had happened and told him that remarks like that could lead to criminal charges.

"The 29th June meeting was a run-of-the-mill meeting with updates from various people. We were talking about wind farms, and I was seeking feedback from councillors for the national group on which I sit. Cllr Turner was talking about lines coming into Tendring from different types of energy sources. I seem to recall that one of the lines came from Germany or was from a German company or something like that.

"He then said, "Don't get me started on the Germans, we all know what they're like" and that sort of thing. I am half-German and I have heard these kinds of comments my entire life. I have had a lot of racial hatred because I am half-German including bricks through windows. So, things like that and that kind of tone stick in my head straightaway. I was *not* happy. Rather than deal with it there and then I decided to speak to the Chair about it later because we do have councillors from a certain generation for whom comments such as that are acceptable. Such comments *do* matter.

"Later we were talking about beach and water safety. He said that in his council they had a really sad and unfortunate instance where a family had drowned. It then started to take a very different note. He started to blame what they were wearing for their drowning and insinuating that what they were wearing was to do with their religion.

"We quickly moved on and we progressed through the agenda before Ross MacLeod of the RNLI gave his update. That included the work he has been doing with the Black Swimming Association. Cllr Turner then asked to speak and reminded the meeting of what he had said earlier. "The clothing they were wearing was the problem", he said. Ross immediately interjected and said that there were lots of reasons why people drown, not just clothing, and there was a need to raise awareness. Lots of work was being done with certain minority groups to increase the number of people who can swim.

"Ross was trying to stop him taking this line. Then Cllr Turner interrupted him and said Ross was misunderstanding him. It was not that they were willing to learn to swim, in fact they did not want to swim and were just going to drown. He was talking about people of certain backgrounds – Afro-Caribbean and maybe Muslim. He also said that it wasn't "that they can't float, it was that they won't float". As an aside, I also have a family member of Afro-Caribbean descent and have lots of Afro-Caribbean friends so I was offended by these comments as well.

"That comment was completely unacceptable and really upset Ross and a lot of other attendees. A lot of people turned their cameras off because they were horrified at his remarks. You just don't make disrespectful statements like that about groups of people of a certain ethnicity. It was as if he was blaming the people themselves for their drowning in his area. You shouldn't even think that way let alone say it. Ross and Cllr Gibson tried to steer him away from such comments.

“Cllr Turner then started shouting and saying that he had a bone to pick with the RNLI anyway. They were taking away Tendring’s lifeboat. He then started to attack Ross. Cllr Gibson tried to shut the discussion down, but Cllr Turner just carried on in the background having a go at Ross and the shortcomings of the RNLI. Eventually Cllr Gibson closed him down, something Cllr Turner doesn’t like. His behaviour made us look like we were complicit in such comments when we weren’t. Once more, at that time, we didn’t have the authority to eject him from the meeting. We do now, it’s in our terms of reference.

“I found out from Ross that Cllr Turner also spoke to him about the work of the RNLI at the in-person meeting we had in December at the LGA headquarters in London. There was also some kind of incident at that meeting and the microphones had to be turned off during the break because someone was saying something inappropriate. It was suggested by others that it was Cllr Turner though I couldn’t find out exactly what had been said.

“All this has really damaged the reputation of the SIG. I have had to spend many hours trying to ensure that we don’t lose our partners or our membership. We had several new councillors on that call who were shocked by what happened. It was also Sidonie Kenward’s first meeting representing the MMO and you have seen her reaction from the email that was shared with you. What happened is on the grapevine and people are asking whether the SIG is complicit in such behaviour. This has been very damaging to us.”

Discussion ended at 11.35am

TENDRING DISTRICT COUNCIL – Ross Macleod (RM) and Melvin Kenyon, Investigator (MK). 10am, 6th October 2023. Zoom.

Preamble

MK began the interview with the following preamble. “My name is Melvin Kenyon, and I am an independent, external investigator for the Monitoring Officer of Tendring District Council [Lisa Hastings] who has asked me to assist her in this matter.

“It is my normal practice to record interviews and I would like to do that now with your permission. I will use the recording to produce a summary of our conversation rather than trying to make written notes as we talk.

“I will send the draft summary to you for comment before it is finalised and, when you and I have agreed the summary, that will then form the record of our conversation. The recording will be destroyed once the summary has been agreed by us both and it will not be shared with anyone else in the meantime without your permission. Can you confirm that you consent to the recording of the interview please?”

RM gave his consent to recording.

MK continued. “For the benefit of the recording it is now Friday, 6th October at 10am or thereabouts. This is a conversation between Melvin Kenyon and Ross Macleod, the Public Affairs Manager (Water Safety) for the RNLI, concerning a Standards Complaint raised by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick Turner of Tendring District Council on 16th August 2023.

“Cllr Gibson alleged in his Complaint that Cllr Turner breached the Tendring District Council Code of Conduct at (actually) two separate meetings relating to the work of the LGA Coastal Special Interest Group both of which took place in June this year. I have also seen an email that you sent to Beccy Lofts on 19th July.

“I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

“I will be guided in my investigation by the provisions of the “Tendring District Council Members’ Code of Conduct” and by that Council’s “Complaints Procedure” which sets out the Arrangements for dealing with Standards Allegations under the Localism Act 2011. Both these documents can be found on the Council’s website. You should refer to those documents if you wish to further understand what I am doing and how complaints are handled in any detail.

“Once my fact-finding is complete I intend to produce a written report about the complaint. Cllr Gibson and Cllr Turner will each be sent a draft copy of the report so that they can identify any matters with which they disagree or which they believe require further consideration. Having considered comments on the draft report, I will then issue a final version with findings, conclusions, and recommendations, to the Monitoring Officer for her action in line with the Council’s Arrangements. That means that parts of what you say today may be included in the draft and final reports.

“If the Complaint were to go on to be considered at a hearing of the Council’s Standards Committee or a Sub-Committee, as provided for in the Arrangements, please be aware that the summary of today’s conversation may be submitted as evidence and, in theory at least, you may be called as a witness.

“If you provide me with information of a private or sensitive nature (usually GDPR-type information), I will ask the Committee or Sub-Committee that it be kept confidential. However, there is no guarantee that my request will be followed, and the information may end up in the public domain. Please treat our conversation today as confidential at this stage. Please also do be aware that my role includes having to play the part of Devil’s Advocate.

“Do you understand what I have said and are you content with it? Do you have any questions about anything I have just said?”

RM asked whether MK’s final report would be published anywhere? MK replied that it was not a clear cut matter and that it depended on whether the Complaint resulted in a hearing and what the Council’s approach was. However, RM should be aware that the report might end up in the public domain.

RM then confirmed that he had understood and was content with what MK had said. MK confirmed that a “typical” investigation tended to take around three months to complete.

Role

In response to a question from MK, RM said, “I have worked at the RNLI for more than 20 years in various roles. I first joined the LGA Coastal Special Interest Group (SIG) in around 2019 in my capacity as a Senior Marketing Manager when I was running a water safety, drowning prevention campaign called “Float to Live”.

“That aims to give people survival skills should they find themselves in trouble in the water. I was seeking to extend and disseminate that campaign to groups that the RNLI was not reaching and the SIG was one of those. The coastal local authorities that are members of the SIG have a vested interest in keeping their visitors and residents safe.

“In early 2020 I became the Public Affairs Manager (Water Safety) for the RNLI. It is a national role which looks at forming relationships with public sector organisations regarding water safety and drowning prevention. As a result, I continued to attend the SIG and am a regular participant and contributor to the Group’s work and a conduit to other related groups.

“The RNLI celebrates its 200th birthday next year. Its mission is saving lives at sea. That covers three main lines of work. Lifeboats (240 stations across the UK and Ireland), lifeguards (a seasonal service of 2000 lifeguards contracted by local authorities on 250 beaches), and a water safety team which aims to prevent accidents before they happen (life jackets, floating etc.). We also have a small international team which shares our expertise overseas.”

Background

MK said that he understood that the Complaint arose out of events that took place during two meetings that related to the work of the Group. The meeting that RM wrote to Becky Lofts about in an email was the meeting that took place on 29th June. The other meeting was on 5th June.

RM replied, “I did not attend the 5th June meeting. However, there was an earlier, face-to-face meeting on 7th December 2022 in London. I vividly remember Cllr Turner – Nick – standing up in a room with a large audience and saying that he had an axe to grind with the RNLI about discussions that were going on over the Walton and Frinton lifeboat. He intended, he said, to oppose proposals which were to change the class of lifeboat from an all-weather boat to an in-shore inflatable. I took him aside later and said I would follow up, which I did, though it is not my area of responsibility. I put him in touch with the local team and I understand there was a discussion with them some time later. I wanted his voice to be heard. He appears to have strong connections with the Walton and Frinton crew.

“His words and approach on that day in such a public space made me feel uncomfortable though I didn’t take it any further. He could have achieved the same end in a side conversation. My experience of being with Nick in a number of meetings over the years is that he is very vocal and likes to have his voice heard. I don’t know why he chooses to approach things in that way.

“The 29th June meeting was held online. I was briefing the Group on World Drowning Prevention Day (25th July) and the RNLI’s “Float to Live” Campaign. I was sharing some information and related advice on research about how people can best survive in different water conditions. I mentioned that there was a 60 or 70 page report on the subject.

“When I finished presenting, Nick came straight in and said in a derogatory way that he couldn’t believe we were spending money generating such lengthy reports when we are closing lifeboat stations. I can’t remember exactly what was said, but he was derogatory towards the RNLI’s approach to spending money.

“Whilst I was sharing some of the campaign posters he observed that there was an apparent lack of diversity in the material (I happened to have a white male on the poster). I pointed out that we have a number of different actors in our material and that they are appropriately diverse so that we can identify with people from different communities. I made the point that we work closely with an organisation called the Black Swimming Association which aims to promote the participation of Black Caribbean and Asian people in water sports.

“He didn’t appear to take any of that on board and was in transmit mode. He said that the materials did not reflect those who were drowning in his area (though he didn’t go so far as to attack me personally). He said that many of those who had drowned in Clacton were wearing clothes in accordance with their religious beliefs. One phrase that he definitely said that stuck in my mind was, “It’s not that they can’t float, it’s that they won’t float”. I felt that that was very pointed, and I was really uncomfortable by that stage.

“The RNLI is putting a great deal of effort into making sure that our water safety efforts are more inclusive and that we consider all the diverse parts of the community to save more lives at sea. It is a priority for the RNLI and is identified in our strategy. I have been personally involved in that and I felt attacked as a consequence. He was unfairly attacking the organisation that I represent.

“I found his language clumsy, at best, and that it could easily fall into racial stereotyping of the kind that “black people can’t swim”, “black people can’t float”. These are myths. The suggestion that “they won’t float” sat really uncomfortably with me in a public, albeit a closed, forum. He also referred to clothing and a perceived tendency for certain groups, Muslims for example, to go into the water fully clothed for cultural reasons. That too is something of a myth because, initially

at least, if someone falls into the water wearing clothes it gives them more buoyancy. This is evidenced in RNLI research with the University of Portsmouth. Of course, if someone tries to swim fully clothed then that will act as a drag on them. The issue is more about swimming ability and water confidence than clothing.

“I am aware that they have had a few tragic and high profile drownings in Clacton (my mother is from Clacton, so I keep an eye out). They have had people of colour drown there. It is a big challenge in Clacton and more widely. People coming to the coast from a big city sometimes have a lack of knowledge around tides, waves, currents, and the like. I think that maybe Nick feels some frustration that he hasn’t been able to be part of a successful solution locally to prevent these drownings.

“I don’t think he said what he said out of malice. Rather that he was uninformed and that he likes the sound of his own voice. He tends to portray himself as knowing best in a lot of situations. I am proud of what I and the RNLI do, and it seems as if he never wants to listen to anyone else’s opinion, even though we do have a number of subject matter experts who contribute to the Group’s work.

“Cllr Gibson tried to politely shut Nick down, but he carried on speaking anyway. I spoke to Becca immediately after the meeting who was still online with her colleague, Bethany, and told her it had made me feel uncomfortable. She agreed and I believe that others may also have raised the same concerns as I did.

“I feel positive about the SIG, but I felt uncomfortable and embarrassed at what Nick had said at that meeting. His comments were not helpful or constructive. We had a couple of new members at that meeting, and it was just inappropriate for them to be subjected to that. Had such comments been made at a meeting by someone working for the RNLI, a disciplinary process would follow, or a very strong conversation would take place. It was not the kind of acceptable language and behaviour that we would expect of an RNLI volunteer or staff member.

“I don’t think Nick appreciates the impact he has on other people. He has a low level of self-awareness. Maybe he just doesn’t care? His approach to his role may have been acceptable 20 or 30 years ago but it isn’t today. I am just pleased that none of my colleagues from the Black Swimming Association were present. In fact, I don’t think anyone of colour was on the call. That would have made a difficult conversation even more difficult. I’m now kicking myself that I didn’t challenge a little more publicly at the time.”

In answer to a question from MK, RM said that he did not recall any derogatory remarks about the Germans.

Asked how Cllr Turner may have breached the Code of Conduct, RM replied, “We have already discussed his racial stereotyping. I felt uncomfortable that a local councillor was making such comments so vociferously in public. Whilst I don’t think he is a racist, he should certainly be more considered about what he says. As a leader within his own community, I would expect him to treat others with respect. I don’t feel he did that on this occasion. He very obviously has an axe to grind with the RNLI (his words) and that seemed to prevent him from dealing with things objectively and impartially.”

Discussion ended at 10.40am

TENDRING DISTRICT COUNCIL – Rhys Hobbs (RH) and Melvin Kenyon, Investigator (MK). 9.45am, 20th October 2023. Zoom.

Preamble

MK began the interview with the following preamble. “My name is Melvin Kenyon, and I am an independent, external investigator for the Monitoring Officer of Tendring District Council, Lisa Hastings, who has asked me to assist her in this matter.

“It is my normal practice to record interviews and I would like to do that now with your permission. I will use the recording to produce a summary of our conversation rather than trying to make written notes as we talk.

“I will send the draft summary to you for comment before it is finalised and, when you and I have agreed the summary, that will then form the record of our conversation. The recording will be destroyed once the summary has been agreed by us both and it will not be shared with anyone else without your permission in the meantime. Could you please confirm that you consent to this?”

RH gave his consent.

MK continued. “For the benefit of the recording it is now Friday, 20th October at 9.45am or thereabouts. This is a conversation between Melvin Kenyon and Rhys Hobbs, Environmental Resilience and Adaptation Manager, for Cornwall Council, concerning a Standards Complaint raised by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick Turner of Tendring District Council on 16th August 2023.

“Cllr Gibson alleged in his Complaint that Cllr Turner breached the Tendring District Council Code of Conduct at two separate meetings relating to the work of the LGA Coastal Special Interest Group that took place in June this year.

“I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

“I will be guided in my investigation by the provisions of the “Tendring District Council Members’ Code of Conduct” and by that Council’s “Complaints Procedure” which sets out the Arrangements for dealing with Standards Allegations under the Localism Act 2011. Both these documents can be found on the Council’s website. You should refer to those documents if you wish to further understand what I am doing and how complaints are handled in any detail.

“Once my fact-finding is complete I intend to produce a written report about the complaint. Cllr Gibson and Cllr Turner will each be sent a draft copy of the report so that they can identify any matters with which they disagree or which they believe require further consideration. Having considered comments on the draft report, I will then issue a final version with findings, conclusions, and recommendations, to the Monitoring Officer for her action in line with the Council’s Arrangements. Parts of what you say today may be included in the draft and final reports.

“If the Complaint were to go on to be considered at a hearing of the Council’s Standards Committee or a Sub-Committee, as provided for in the Arrangements, please be aware that, in

theory, the summary of today's conversation may be submitted as evidence and, in theory at least, you may be called as a witness.

"If you provide me with information of a private or sensitive nature (usually GDPR-type information), I will ask the Committee or Sub-Committee that it be kept confidential. However, there is no guarantee that my request will be followed, and such information may end up in the public domain. Please treat our conversation today as confidential at this stage. Please also be aware that my role includes having to play the part of Devil's Advocate.

"Do you understand what I have said and are you content with it? Do you have any questions about anything I have just said?"

RH asked whether comments included in MK's report would be attributed to individuals or whether they would be anonymised. MK replied that they would be attributed to individuals, but that RH was one of several individuals that he was interviewing. RH then confirmed that he had understood what MK had said and that he had no further questions.

Role

In response to a question from MK about his role, RH said, "I am the Environmental Resilience and Adaptation Manager for Cornwall Council. That means that I am the lead local flood authority and coastal protection officer for Cornwall Council. The team and I lead on coastal protection and local flooding matters. In terms of protecting and managing the many miles of coastline in Cornwall, we manage it mainly from the perspective of sea-flooding and coastal erosion.

"Initially our attendance at the Special Interest Group (SIG) was fairly sporadic but in the past year our attendance has been pretty consistent. I act as the Council's link officer between the SIG and Cornwall Council. We share some of the information we get from the Group more widely within the Council since we are not the only officers who deal with coastal matters. For example, the quality of bathing water is not the responsibility of my team but falls to another area within the Council.

"We did consider whether we should renew our membership of the SIG when the fees changed. We decided to renew and at the same time decided to get more involved and get as much value as we could from our membership. It has definitely been valuable this year."

Quarterly Meeting of the SIG on 29th June 2023

RH said, "I did not attend the meeting on 5th June to discuss the SMP Explorer tool because we have engaged directly with the Environment Agency about the Explorer tool. I was, though, present at the Quarterly Meeting of the SIG which was held virtually on 29th June.

"My memory of what happened at the meeting is fairly vague – several months have passed since then. I remember comments that were made about drowning and safety related matters though I don't remember any of the detail of what was said.

"I remember comments being about people of a particular racial background and the speaker's perception of the risks of drowning for people of that background. I remember the suggestion that the victims' race may have played a part in their drowning and their ability to survive in the sea. The comments made by the speaker certainly reinforced racial stereotypes and were opinions rather than statements of fact.

“Cllr Nick Turner was one of several councillors involved in the discussion. I am not completely certain that it was Cllr Turner who made the comments, though they were certainly made by a councillor rather than an officer. I do, however, remember that the comments made were not at all appropriate in the context of the topic we were discussing, if in any context at all. The topics being discussed were “World Drowning Day” and “Float to Live”. I remember feeling uncomfortable about the comments at the time. The discussion became quite animated, and the Chair closed it down quite quickly.”

Discussion ended at 10.10am (after some technical issues).

This page is intentionally left blank

TENDRING DISTRICT COUNCIL – Cllr Derek Bastiman (DB) and Melvin Kenyon, Investigator (MK). 2pm, 23rd October 2023. MS Teams.

Preamble

MK began the interview with the following preamble. “My name is Melvin Kenyon, and I am an independent, external investigator for the Monitoring Officer of Tendring District Council, Lisa Hastings, who has asked me to assist her in this matter.

“It is my normal practice to record interviews and I would like to do that now with your permission. I will use the recording to produce a summary of our conversation rather than trying to make written notes as we talk.

“I will send the draft summary to you for comment before it is finalised and, when you and I have agreed the summary, that will then form the record of our conversation. The recording will be destroyed once the summary has been agreed by us both and it will not be shared with anyone else without your permission in the meantime. Could you please confirm that you consent to this?”

DB gave his consent.

MK continued. “For the benefit of the recording it is now Monday 23rd October at 2pm or thereabouts. This is a conversation between Melvin Kenyon and Cllr Derek Bastiman, of North Yorkshire Council, concerning a Standards Complaint raised by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick Turner of Tendring District Council on 16th August 2023.

“Cllr Gibson alleged in his Complaint that Cllr Turner breached the Tendring District Council Code of Conduct at two separate meetings relating to the work of the LGA Coastal Special Interest Group that took place in June this year.

“I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

“I will be guided in my investigation by the provisions of the “Tendring District Council Members’ Code of Conduct” and by that Council’s “Complaints Procedure” which sets out the Arrangements for dealing with Standards Allegations under the Localism Act 2011. Both these documents can be found on the Council’s website. You should refer to those documents if you wish to further understand what I am doing and how complaints are handled in any detail.

“Once my fact-finding is complete I intend to produce a written report about the complaint. Cllr Gibson and Cllr Turner will each be sent a draft copy of the report so that they can identify any matters with which they disagree or which they believe require further consideration. Having considered comments on the draft report, I will then issue a final version with findings, conclusions, and recommendations, to the Monitoring Officer for her action in line with the Council’s Arrangements. Parts of what you say today may be included in the draft and final reports.

“If the Complaint were to go on to be considered at a hearing of the Council’s Standards Committee or a Sub-Committee, as provided for in the Arrangements, please be aware that, in

theory, the summary of today's conversation may be submitted as evidence and, in theory at least, you may be called as a witness.

"If you provide me with information of a private or sensitive nature (usually GDPR-type information), I will ask the Committee or Sub-Committee that it be kept confidential. However, there is no guarantee that my request will be followed, and such information may end up in the public domain. Please treat our conversation today as confidential at this stage. Please also be aware that my role includes having to play the part of Devil's Advocate.

"Do you understand what I have said and are you content with it? Do you have any questions about anything I have just said?"

DB confirmed that he had understood what MK said and was content with it.

Role

In response to a question from MK, DB said, "I have been a Parish Councillor for 35 years, I was a Borough Councillor for 28 years, I was a member of North Yorkshire County Council for 10 years, and I have been a member of the new North Yorkshire Unitary Council since April 1st, 2023. A total of 74 years of public service. I am a member of the Conservative Party.

"I serve on a number of outside bodies, some of which relate to coastal and flood management matters. Amongst those is the LGA Coastal Special Interest Group (SIG) which I originally attended having been nominated by Scarborough Borough Council. I am honoured to be Vice-Chair of the SIG. The SIG covers the coastline from the Scottish borders right round to the Welsh borders. It is vitally important that coastal areas and estuarial cities and towns are represented by a national body and have a national voice so that they can secure investment in coastal protection and the like. I am very much an advocate of that, and I also champion beach and water safety. The SIG is an effective body otherwise I wouldn't waste my time being involved in it. I am a big supporter of it and believe there ought to be a coastal minister. If you are at the table you stand a chance of getting things done."

Quarterly Meeting of the SIG on 29th June 2023

Asked about the Complaint DB said, "I was unable to attend the meeting on 5th June to discuss the SMP Explorer tool for personal reasons. I was, though, present at the Quarterly Meeting of the SIG which was held virtually on 29th June."

MK then asked DB to expand on an email that DB had sent him on 8th October. It read, "*I am pleased to have the opportunity to comment on the member's attitude at that meeting. Whether any meeting is via Teams / Zoom or actual [face to face] respect is the key word every time. The person in question was extremely rude to Officers be it from the LGA SIG Group or invited attendees.*

Members attend these meetings to work collectively to improve our Coastal areas and such action, not for the first time may I add, is totally unacceptable and should play no part in our work. I have been a councillor for many years and have won and lost discussions many a time. You have to be professional, accept the decision, and most importantly respect other people's comments.

Elected members should and are aware of the Nolan principles and, on this occasion and others, the subject person was guilty of not adhering to those principles. In short, the member should not be on the Board."

DB replied, "Nick Turner is very forthright and thinks he knows everything and everyone else knows nothing. He has a cavalier approach to people. He sees no good in the efforts of anyone else and just doesn't accept other people's comments, decisions, or explanations. He certainly knows he's doing it when he behaves as he does and seems to derive a certain pleasure or satisfaction from doing it. He gives the impression of speaking without thinking.

"This wasn't the first time he had been rude in my presence. I have heard him during face to face meetings making rude comments and being derogatory about other people. I would prefer not to have to engage with him at all.

"He was *extremely* rude and offhand at the June Quarterly Meeting and showed no respect for officers and others, and in particular Ross MacLeod of the RNLI during a discussion on lifebelts (something I myself am passionate about), lifeboats, and water safety. Nick went off on a tangent about a lifeboat in his Council area and was very rude to Ross. Ross is one of the most inoffensive and nicest people you would ever wish to meet. Nick was also rude and curt to a person from the Environment Agency who was also at the meeting.

"People from external bodies attend the meetings to be helpful and supportive and do not need to be spoken to in that way. I don't recall what he said verbatim, but I was left with the overall impression that he had been "bloody rude", and that impression has stuck with me ever since. I do not need to know exactly what he said to state that he was extremely rude.

"I also recall him making racist comments during the meeting. I mentioned an incident in Scarborough Harbour involving a young Asian boy who found himself out of his depth and came close to drowning before being rescued by the RNLI. He had floated like a starfish and knew about the "Float to Live Campaign" from watching TV programmes. Sometimes people coming to the coast from inland, like that young boy, don't understand the power of the sea.

"That then gave rise to what I saw as a racist tirade from Nick Turner who referred in racist terms to people who don't bath dressed in the way that you and I might be dressed for bathing because of the demands of their religion. There was also some sort of comment about people from certain racial backgrounds and floating. I don't recall what he said or who it was about, but I do recall that, once again, his remarks were racist. That stuck with me. He also said something derogatory about the Germans, though again I don't recall the detail and can't remember how we got onto the subject of the Germans. These kinds of remarks are typical of his attitude. He showed himself to be a racist as far as I am concerned.

"It doesn't matter how much the Group has achieved. This kind of behaviour is very bad for the reputation of the SIG and is simply going to turn people off coming to the meetings. I myself, who am a great supporter of the work of the Group, would not want to be associated with it if that kind of behaviour was allowed to persist."

Discussion ended at 2.30pm

This page is intentionally left blank

TENDRING DISTRICT COUNCIL – Alysha Stockman (AS) and Melvin Kenyon, Investigator (MK). 2pm, 26th October 2023. Zoom.

Preamble

MK began the interview with the following preamble. “My name is Melvin Kenyon, and I am an independent, external investigator for the Monitoring Officer of Tendring District Council [Lisa Hastings] who has asked me to assist her in this matter.

“It is my normal practice to record interviews and I would like to do that now with your permission. I will use the recording to produce a summary of our conversation rather than trying to make written notes as we talk.

“I will send the draft summary to you for comment before it is finalised and, when you and I have agreed the summary, that will then form the record of our conversation. The recording will be destroyed once the summary has been agreed by us both and it will not be shared with anyone else without your permission in the meantime. Can you confirm that you consent to the recording of the interview please?”

AS gave her consent to recording.

MK continued. “For the benefit of the recording it is now Thursday, 26th October at 2pm or thereabouts. This is a conversation between Melvin Kenyon and Alysha Stockman of East Suffolk Council concerning a Standards Complaint raised by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick Turner of Tendring District Council on 16th August 2023.

“Cllr Gibson alleged in his Complaint that Cllr Turner breached the Tendring District Council Code of Conduct at (actually) two separate meetings relating to the work of the LGA Coastal Special Interest Group that took place in June this year.

“I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

“I will be guided in my investigation by the provisions of the “Tendring District Council Members’ Code of Conduct” and by that Council’s “Complaints Procedure” which sets out the Arrangements for dealing with Standards Allegations under the Localism Act 2011. Both these documents can be found on the Council’s website. You should refer to those documents if you wish to further understand what I am doing and how complaints are handled in any detail.

“Once my fact-finding is complete I intend to produce a written report about the complaint. Cllr Gibson and Cllr Turner will each be sent a draft copy of the report so that they can identify any matters with which they disagree or which they believe require further consideration. Having considered comments on the draft report, I will then issue a final version with findings, conclusions, and recommendations, to the Monitoring Officer for her action in line with the Council’s Arrangements. Parts of what you say today may be included in the draft and final reports.

“If the Complaint were to go on to be considered at a hearing of the Council’s Standards Committee or a Sub-Committee, as provided for in the Arrangements, please be aware that the

summary of today's conversation may be submitted as evidence and, in theory at least, you may be called as a witness.

"If you provide me with information of a private or sensitive nature (usually GDPR-type information), I will ask the Committee or Sub-Committee that it be kept confidential. However, there is no guarantee that my request will be followed, and the information may end up in the public domain. Please treat our conversation today as confidential at this stage. Please also do be aware that my role includes having to play the part of Devil's Advocate. Do you understand what I have said and are you content with it? Do you have any questions about anything I have just said?"

AS confirmed that she had understood and was content with what MK had said.

Role

In response to a question from MK, AS said, "I work as a Partnerships and Engagement Support Officer at East Suffolk Council. I sit within the Partnerships and Engagement team within Coastal Partnership East – the coastal management team for North Norfolk District Council, Great Yarmouth Borough Council, and East Suffolk Council.

"I am employed by East Suffolk Council. I was attending the meeting on 29th June on behalf of my manager, who leads the Beach and Water Safety Group for the SIG. I was a substitute on that day, and I have attended SIG meetings in the past. I am the secretary for the Beach and Water Safety Group, which is one of the SIG working groups.

"A few of the managers from Coastal Partnership East lead working groups or are otherwise quite involved in the work of the SIG. The SIG is useful to us because it allows us to feed local issues up to the SIG directly or through its working groups so that they can get national attention. For example, we are currently working with them on a national campaign to encourage people to better understand their impact on the coast."

SIG Quarterly Meeting 29th June 2023

In response to a question from MK, AS said, "I didn't attend the SIG meeting on 5th June, but I did attend the meeting on 29th June.

"I remember Ross MacLeod's presentation, because I had seen it before. He talked about the "Float to Live" Campaign and how the RNLI had been working with the Black Swimming Association on "myth-busting". He was saying that they had done a lot of research into myths around black people not being able to float or swim.

"Cllr Turner came in either during the presentation or during the questions section at the end. He was disputing what Ross MacLeod said. I don't remember exactly what he said though I do think he said, "black people can't swim or float". I think he was talking about Afro-Caribbeans because there had been references by Ross to the Black Swimming Association.

"Ross came back very professionally and said that the evidence said otherwise and that they would just have to agree to disagree. He was trying to explain how what Cllr Turner said was not borne out by the evidence the RNLI had. But Cllr Turner wouldn't let him speak. He wasn't willing to listen to what other people had to say. He appeared to be very set in his views. He came over

as disruptive in that he would not allow Ross to counter what he had to say. It seemed to me to be that that was the way he was, his personality, rather than being malicious.

“I didn’t say anything in the meeting. I could see how his comments could offend or upset people, though I didn’t take any personal offence myself because he’s not my local councillor and I felt somewhat detached from what was being said. Had my own local councillor said that (which, of course, they didn’t) I would be concerned that they were representing my community and saying other things that may not be true.

“I would be concerned that that way of thinking might prejudice anything else they might say or believe. I would be concerned that their thoughts on ethnic minorities might apply to other areas and not just to being able to swim. I think that what Cllr Turner said could be construed as racist, though I am not sure that there was enough context to define it as racist.

“I don’t remember anything being said about Germans.”

Interview ended at 2.30pm

This page is intentionally left blank

TENDRING DISTRICT COUNCIL – Cllr Noel Galer (NG) and Melvin Kenyon, Investigator (MK). 10am, 27th October 2023. Zoom.

Preamble

MK began the interview with the following preamble. “My name is Melvin Kenyon, and I am an independent, external investigator for the Monitoring Officer of Tendring District Council, Lisa Hastings, who has asked me to assist her in this matter.

“It is my normal practice to record interviews and I would like to do that now with your permission. I will use the recording to produce a summary of our conversation rather than trying to make written notes as we talk.

“I will send the draft summary to you for comment before it is finalised and, when you and I have agreed the summary, that will then form the record of our conversation. The recording will be destroyed once the summary has been agreed by us both and it will not be shared with anyone else without your permission in the meantime. Could you please confirm that you consent to this?”

NG gave his consent.

MK continued. “For the benefit of the recording it is now Friday 27th October at 10am. This is a conversation between Melvin Kenyon and Cllr Noel Galer of Great Yarmouth Borough Council concerning a Standards Complaint raised by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick Turner of Tendring District Council on 16th August 2023.

“Cllr Gibson alleged in his Complaint that Cllr Turner breached the Tendring District Council Code of Conduct at two separate meetings relating to the work of the LGA Coastal Special Interest Group that took place in June this year.

“I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

“I will be guided in my investigation by the provisions of the “Tendring District Council Members’ Code of Conduct” and by that Council’s “Complaints Procedure” which sets out the Arrangements for dealing with Standards Allegations under the Localism Act 2011. Both these documents can be found on the Council’s website. You should refer to those documents if you wish to further understand what I am doing and how complaints are handled in any detail.

“Once my fact-finding is complete I intend to produce a written report about the complaint. Cllr Gibson and Cllr Turner will each be sent a draft copy of the report so that they can identify any matters with which they disagree or which they believe require further consideration. Having considered comments on the draft report, I will then issue a final version with findings, conclusions, and recommendations, to the Monitoring Officer for her action in line with the Council’s Arrangements. Parts of what you say today may be included in the draft and final reports.

“If the Complaint were to go on to be considered at a hearing of the Council’s Standards Committee or a Sub-Committee, as provided for in the Arrangements, please be aware that, in

theory, the summary of today's conversation may be submitted as evidence and, in theory at least, you may be called as a witness.

"If you provide me with information of a private or sensitive nature (usually GDPR-type information), I will ask the Committee or Sub-Committee that it be kept confidential. However, there is no guarantee that my request will be followed, and such information may end up in the public domain. Please treat our conversation today as confidential at this stage. Please also be aware that my role includes having to play the part of Devil's Advocate.

"Do you understand what I have said and are you content with it? Do you have any questions about anything I have just said?"

NG confirmed that he had understood what MK said and was content with it.

Role

In response to a question from MK, NG said, "I have been a Conservative councillor in Great Yarmouth since 2018 and represent the East Flegg ward. The ward is made up of three parishes to the north of Great Yarmouth, two of which are on the coast whilst the third is inland but close to the coast. I have been through three electoral processes.

"I have long been involved with coastal matters and with local coastal charities and groups. I have been appointed to a number of outside bodies that relate to coastal and water management matters.

"Amongst those is the LGA Coastal Special Interest Group [SIG]. This is my first year attending the SIG. Probably the most important issue for Great Yarmouth right now is the water quality issue. We are quite a big tourist destination here in Hemsby and we receive a lot of visitors who go on to visit other parts of the borough and elsewhere within Norfolk. Tourism is extremely important to the economy of the borough and the surrounding area. Around 90% of our economy is tourism so a collapse in tourism for whatever reason would have very significant impact on people's jobs. Water quality is a very important aspect of that.

"The SIG brings together councillors from many local authorities up and down country who have a shared interest in coastal matters. It is also attended by experts and representatives of external bodies and government agencies who might not otherwise get together, communicate, and share knowledge and experience. I believe it is a unique forum. Some of its decisions and policies will be put forward to civil servants, agencies such as the Environment Agency and DEFRA, and Parliament. The SIG also provides them with feedback. It acts as a local link to Government."

Quarterly Meeting of the SIG on 29th June 2023

Asked about the Complaint NG said, "I don't think I attended the meeting on 5th June to discuss the SMP Explorer tool. I was, though, present at the Quarterly Meeting of the SIG which was held virtually on 29th June."

MK outlined the nature of the Complaint and asked NG to tell him what, if anything, he recalled about Cllr Nick Turner's alleged behaviour at that Quarterly Meeting. NG replied, "I was aware of somebody, who I couldn't identify by name, who seemed not to be under the control of the Chair, and was not really behaving in a professional manner. They were perhaps not being politically correct or even being fully respectful of everybody's views and religions and so on. But I couldn't

identify Cllr Turner as the person in question. Nor could I really give you an example of things that were said. I can't remember anything specific. I just recall an overall feeling that they had perhaps gone a bit too far in what they said.

"I see so much variation in the behaviour of councillors. I myself tend to be quiet and considered and miss the moment sometimes when others dive in and say things that might not be correct. I try to contribute in a meaningful way. However, the behaviour of the councillor was not so bad that I was shocked. Maybe my trigger is not as sensitive as that of others and nothing much surprises me. Probably for that reason I didn't spot what others have spoken about.

"A lot of councillors are in their later years and do not necessarily improve at that age. I myself tend to be somewhat accommodating of people. I think it is fair to say that what was acceptable a generation or two ago is less acceptable now. But I did not hear what might be called overt racism from the councillor concerned and I do in any event think that we tend to be over-sensitive at times these days. I tend to be inclined to put certain comments down to ignorance and age and outmoded attitudes. It appears in any event that if this person is stepping back from the SIG then the matter has resolved itself naturally and is unlikely to happen again.

"I don't think that what was said affected my opinion of the SIG. I think it affected my opinion of the individual in that I might not have taken their views or opinions seriously in future. As I said, I am tolerant of individuals. Some are succinct whilst others ramble on. I think the Chair ought to have stepped in and told them that they had said enough, but the Chair didn't do that. I think the councillor's contribution was a waste of time if anything.

"I don't recall any comments being made about Germans."

Discussion ended at 10.20am

This page is intentionally left blank

TENDRING DISTRICT COUNCIL – Nick Hardiman, Environment Agency (NH) and Melvin Kenyon, Investigator (MK). 11:20am, 20th December 2023. MS Teams.

Preamble

MK began with the following preamble, “My name is Melvin Kenyon, and I am an independent, external investigator for the Monitoring Officer of Tendring District Council [Lisa Hastings] who has asked me to assist her in this matter.

“It is my normal practice to record interviews and I would like to do that now with your permission. I will use the recording to produce a summary of our conversation rather than trying to make written notes as we talk.

“I will send the draft summary to you for comment before it is finalised and, when you and I have agreed the summary, that will then form the record of our conversation. The recording will be destroyed once the summary has been agreed by us both and it will not be shared with anyone else without your permission in the meantime. Could you please confirm that you consent to the conversation being recorded?”

NH gave his consent and MK began the recording.

MK continued, “For the benefit of the recording it is now Wednesday 20th December at 11.20am or thereabouts. This is a conversation between Melvin Kenyon and Nick Hardiman of the Environment Agency concerning a Standards Complaint raised on 16th August 2023 by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick Turner of Tendring District Council.

“Cllr Gibson alleged in his Complaint that Cllr Turner breached the Tendring District Council Code of Conduct at two separate meetings relating to the work of the LGA Coastal Special Interest Group that took place in June this year, the first of which you attended, I believe?”

NH confirmed that he had attended the meeting.

MK continued, “I am conducting this interview under the powers given to the Monitoring Officer by the Localism Act 2011 which places councils under a duty to promote and maintain high standards of conduct.

“I will be guided in my investigation by the provisions of the “Tendring District Council Members’ Code of Conduct” and by the Council’s “Complaints Procedure” which sets out the Arrangements for dealing with Standards Allegations under the Localism Act 2011. Both these documents can be found on the Council’s website. You should refer to those documents if you wish to further understand what I am doing and how complaints are handled in any detail.

“Once my fact-finding is complete I intend to produce a written report about the Complaint. Cllr Gibson and Cllr Turner will be sent a draft copy of the report so that they can identify any matters with which they disagree or which they believe require further consideration. Having considered comments on the draft report, I will then issue a final version with final findings, conclusions, and recommendations, to the Monitoring Officer for her action in line with the Council’s Arrangements. Parts of what you say today are likely to be included in the draft and final reports.

“If the Complaint were to go on to be considered at a hearing of the Council’s Standards Committee or a Sub-Committee, as provided for in the Arrangements, please be aware that the

summary of today's conversation may be submitted as evidence and, in theory at least, you may be invited to provide evidence as a witness.

"If you provide me with information of a private or sensitive nature (usually GDPR-type information), I will ask the Committee or Sub-Committee that it be kept confidential. However, there is no guarantee that my request will be followed, and the information may end up in the public domain. Please treat our conversation today as confidential at this stage. Please also do be aware that my role includes having to play the part of Devil's Advocate. Do you understand what I have said and are you content with it? Do you have any questions about anything I have just said?"

NH confirmed that he was content and had no questions.

Role

In answer to a question from MK about his role at the Environment Agency and involvement with the LGA Coastal Special Interest Group (SIG), NH replied, "I joined the Environment Agency (EA) in 2009. My role is that of Expert Adviser - Coast | National FCRM Directorate within the EA. Expert Advisers are to be found in the National Directorate for Flood and Coastal Erosion Risk Management at the EA. There are just a few of us. We manage large programmes of work and provide expert advice on coastal management to DEFRA and to senior management.

"I attend the LGA SIG to brief them on key projects and initiatives that we/I are doing. I also provide a general update on the EA's broader work. The Group is valuable for us because it is a forum where elected councillors and local authority officers meet. They are a key group of stakeholders for us because they provide us with information about the many issues they have to grapple with. It's an opportunity for us to improve their understanding of what we do, and that is especially so for newly elected councillors."

LGA SIG 5th June 2023 Meeting

Background

MK next asked why NH had attended the SIG meeting on 5th June. He replied, "We have had a hard year working on the Shoreline Management Plan (SMP) Explorer Tool and on the wider project, the Shoreline Management Plan Refresh.

"Shoreline Management Plans are long term plans developed between 2006 and 2012. They set out the direction of travel in terms of our management of the coast all around England. The coastline is split into small pieces that make sense in terms of coastal processes and local features.

"The Plans are internationally well-known and well-renowned. They attempt to formulate a sustainable forward look and take into account climate change. They also take into account the quality of the environment. For example, we may wish to defend a stretch of coastline or manage it in some other way. The Plans are developed with, and adopted by, local councils, which is an ace card. No-one can say the Plans have been "foisted on local councils by an unelected quango" (not language I would choose but a common accusation nevertheless). There is a strong sense of local ownership.

"The Plans do need to be refreshed and updated. That has been going on and a part of that work has been to make the Plans (which are very long PDF files) more accessible. Hence the SMP

Explorer which makes the Plans available on a new online platform that strives to make the Plans easier to understand and access and summarises the key aspects of the Plans. The tool will allow people (via GOV.UK) to enter their postcode and access the Plans. They can find out about the management approaches to specific parts of the coastline and learn about the associated risks and constraints, such as protected sites. The associated Action Plans will be easier to access. We have been developing the tool this year and it will be launched live at the end of January 2024. A draft site with limited password protected access is currently available for certain stakeholders, including local authorities, to foster familiarity.

“On 5th June we had just come out of a six month period of testing where local authorities, including elected members, were able to view the tool online and provide comments. I was giving a demo on what the tool was looking like and the feedback we had had before finalising the tool. There was only a handful of people at the meeting.”

Cllr Turner and the 5th June Meeting

MK said that he had been told that NH knew Cllr Nick Turner professionally and had worked with him over several years. How had NH found him to be professionally (rather than personally)? NH replied, “The Area Team has been the primary contact point with Cllr Turner. My interaction with him has been through the LGA SIG and their national meetings, as you say, over a number of years.

“I have found him to be someone who wishes to stir and provoke. He is not afraid to speak his mind. That is not bad thing in itself - I myself always welcome appropriate and constructive challenge. However, his interventions at various meetings of the SIG have not been constructive. He has tended to filibuster and not just provoke, but attack. So, his interventions have often been aggressive and have sought to rubbish what a person is doing.

“There is rarely a balance, and he often cuts through and interrupts a presentation, and indulges in an aggressive attack. I myself have sometimes been on the receiving end of that as I was on 5th June. I expect a range of feedback and a range of knowledge and experience at SIG meetings as I do at public meetings. I myself am self-assured enough not to get broken down by that kind of behaviour. But I have witnessed others who were less resilient or newer in their jobs or have a difficult message to deliver who would not take that kind of attack in the way that I would. I certainly have second hand accounts of inappropriate, aggressive interventions, and even threatening behaviour (in person) by Cllr Turner.”

Asked how he would characterise Cllr Turner’s behaviour at the 5th June meeting, NH replied, “I don’t remember some of the things that were said and there were other things that were said where I thought after the meeting, “Well, that’s just Cllr Turner!”

“I know that he doesn’t like, doesn’t agree with, and hasn’t signed up to Shoreline Management Plans. He appears to be something of a climate change sceptic and dislikes some of the things we are trying to do in the Plans. His attacks have tended to be against the Plans themselves.

“But in June I would characterise his behaviour as a “strong rant” against the Plans and the whole principle of what we are trying to do. It then became much more personal, “You come here, and you tell us about these things. You’re wasting my time. Your work is pointless.” It felt much more

aggressive and personal (though there was no name-calling or “I know where you live” kind of stuff!).

“He indulged in a strong, extended rant. Beccy, who was chairing the meeting, several times tried to stop him and rein him in, but she could not get a word in. In the end she just had to tell him to stop. At that point he finished his rant, said he was leaving and walked out, apparently for a COVID jab. He certainly made a dramatic performance of leaving and if it was the case that he had to leave anyway it was somewhat disingenuous!

“On this occasion he was *very* unprofessional. He crossed the line into unprofessional behaviour. In the Environment Agency we accept that we are unelected, that we sometimes have difficult messages to convey as an arms-length body and that, in some ways, we are therefore an easy target. We know the criticisms that are going to come our way. It’s the same with other organisations such as the Marine Management Organisation. Everyone loves the environment until they are required to change their behaviour or do something extra. Then it becomes a pain for them. We are used to that. But at the same time you do go to work expecting a certain standard of conduct and discourse from those you interact with. On 5th June Cllr Turner definitely crossed that line.

“As far as his behaviour towards Beccy was concerned, I don’t recall exactly what he said to her but he was certainly talking over her. He saw her as someone trying to frustrate him from saying what he had to say. It was almost, “How dare you?”. He showed no respect towards her as Chair and completely ignored her. Such respect is expected of those who attend a meeting to allow it to proceed smoothly, to give everyone an opportunity to speak and to get through the business at hand. That was when it turned from an attack on me to an attack on her for trying to stop him.

“That has always been a challenge with Cllr Turner who tends to just talk and talk, to filibuster. That’s a shame because there were plenty of people with positive things to say at that meeting and they would have left that meeting with a very negative feeling because they had not had the opportunity to contribute.”

Discussion ended at 11:55