



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 J Henderson
Councillor Oxley (Vice-Chairman)	Councillor Land
Councillor Alexander	Councillor Newton
Councillor Baker (sub for Cllr. Oxley)	Councillor Talbot

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DATE OF PUBLICATION: Monday, 13 May 2024

AGENDA

7 **Report of the Monitoring Officer - B.1 - Investigator's Report & Findings (Pages 5 - 28)**

The recorded text of Councillor Turner's interview with the Investigator (Melvin Kenyon) is attached.

Councillor Turner's defence submission is also 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 room 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.

TENDRING DISTRICT COUNCIL – Cllr Nick Turner (NT) and Melvin Kenyon, Investigator (MK). 11am, 14th November 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?”

NT gave his consent to recording with the proviso that a copy of the recording be sent to him. MK said that he would send a copy of the recording to NT [MK: this was done on 14th November] but that he would share the recording on the basis (i) that it be used for no other purpose than to aid checking of the draft summary and (ii) that it be destroyed once the summary had been agreed by himself and NT.

MK continued, “For the benefit of the recording it is now Tuesday 14th November at 11am or thereabouts. This is a conversation between me, Melvin Kenyon, and Cllr Nick Turner of Tendring District Council, concerning a Standards Complaint raised against him by Cllr Ernest Gibson of South Tyneside Council on 16th August 2023.

“Cllr Gibson alleged in his Complaint that you, 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 those 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. Both you and Cllr Gibson will 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. That means that parts of what we 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 to attend such a hearing.

“If you provide me with information of a private or sensitive nature (by that I mean 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 do be aware that I have no stake in this so 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?”

NT confirmed that he was content and had no questions.

Role

In response to a question from MK, NT said, “I am a Tendring District Councillor, the longest serving, and have represented the Frinton ward since 1999. I have also been a member of Frinton and Walton Town Council since 1995. I have held every position apart from Leader (a position I didn’t want) in both councils. In total I have won 15 elections to the two councils and, if I include other commitments, I have accumulated 60 years of public service. Prior to that I was an internationally trained hotelier before retiring more than 20 years ago.”

LGA Coastal Special Interest Group

NT then gave some background information on the geography of Tendring, which is at the end of a glacier. As a consequence there are soft cliffs which get eroded and washed away by the sea and so the coastline and its beaches are under threat.

NT said, “I object most strongly to our losing our land, losing England. There is no need for it. I always find myself fighting the quangos which include the Environment Agency, Natural England, and the Marine Management Organisation, all of which stop us protecting our coastline. Quangos are a major problem in this country. It’s a constant fight to get them to do anything. I led the political support for the creation of five kilometres of sea defences from Holland Haven to Clacton pier, which was funded by the Environment Agency.

“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 from the SIG, which I did instantly when I learned of the Complaint (and apologised unreservedly for any upset I had caused), 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 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.”

MK then said that officers had checked 13 decisions by the Leader which referred to appointments to Outside Bodies and they had told him, *“there is no record of an appointment of Councillor Nick Turner to that Special Interest Group by the Council”* in the Modern.Gov system going back to August 2016. A further check had been carried out which included paper records of appointments to Outside Bodies. That resulted in a statement by the officer concerned which said, *“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”*.

It therefore seemed, MK said, that there was no record of NT being appointed to that Outside Body for the past seven or eight years. Moreover the SIG was not listed on the website as an “Outside Body”. So, on what basis had he 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?

NT replied, “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.”

Complaint

MK said that his understanding was that the Complaint arose out of events that took place during two meetings related to the work of the SIG. Both meetings took place in June 2023.

The general allegations were that NT:

- Failed to treat councillors and others with respect on more than one occasion.
- Behaved in a way that was discriminatory on the grounds of nationality and race.
- As a consequence brought his role and that of Tendring District Council into disrepute

Joint Meeting with Environment Agency on 5th June concerning the SMP Explorer tool

MK said that Cllr Gibson’s allegations in respect of the meeting on 5th June to discuss the SMP Explorer Tool were that NT:

“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] felt that [his] council [would] not be adopting the guidance provided in relation to planning as it [did] not fit with the councils’s plans. Whatever [his] views of the tool, the personalisation of [his] views, directed as they were towards Mr Hardiman was not only highly disrespectful, but frankly shocking to those who witnessed it.”

MK said that Cllr Gibson had then continued by saying:

“To compound matters, when Lead Officer Beccy MacDonald-Lofts attempted to politely steer the discussion back to the task in 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 Cllr Turner’s behaviour was not only obstructive in terms of delaying the progress of the session, but was highly damaging to his reputation, the reputation of the Council of which he was acting as a representative, and the Group itself.”

MK said that he had spoken to seven other individuals about NT’s alleged behaviour. Some of them, who had been present at the 5th June meeting, had borne out Cllr Gibson’s account of what happened. How did NT respond to this? Was Cllr Gibson’s portrayal of what went on a fair and accurate representation of how he had behaved or not?

NT 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.”

Quarterly Meeting of the Group on 29th June

MK said that Cllr Gibson’s allegations in respect of the Quarterly Meeting of the SIG on 29th June were that NT:

1. *Launched a verbal attack on Ross MacLeod of the RNLI and on the RNLI itself. Spoke over the Chair and Ross MacLeod. Constantly interrupted. Was overbearing. And was thus highly disrespectful.*
2. *Made a remark, “Don’t get me started on the Germans” which was discriminatory and highly inappropriate.*
3. *Made shocking and offensive remarks about people of Afro-Caribbean descent suggesting they are unable to float and won’t float. Those remarks were distasteful as well as untrue. The remarks were unacceptable in that or any other context.*
4. *Made deeply racist remarks about people of Afro-Caribbean descent before making remarks about the clothing worn by others which was inappropriate and contributed to their drowning.*
5. *Left his audience in no doubt about his attitudes towards those of different ethnicity and belief.*

MK said that he had so far spoken to seven other individuals apart from Cllr Turner who had basically borne out what was said in the Complaint. In his email to Lisa Hastings NT had explained why he had said what he said. He asked NT whether Cllr Gibson’s portrayal of what went on was a fair and accurate representation of how he had behaved or not?

NT 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, 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.”

MK then asked how that squared with the remark NT was alleged to have made, “Don’t get me started on the Germans”. NT 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.”

MK then said that one of the attendees had been offended by the remark because they were half-German. NT replied, “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, NT 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.”

NT 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!”

Discussion ended at 12.30pm

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DEFENCE SUBMISSION Cllr. NICK TURNER

Introduction

This document serves as the comprehensive defence bundle for Cllr. Nick Turner, herein presented in response to the charges brought against him. It is prepared with the intent to elucidate the facts of the case, demonstrate Cllr. Turner's adherence to the Code of Conduct of the council including ethical standards, and ultimately assert his innocence.

The arguments compiled herein underscore his unwavering commitment to his duties and the community he serves.

Through the examination of the complaint, investigation Report and Statements this Defence Bundle aims to affirm Cllr. Turner's integrity and rectify any misconceptions surrounding the allegations.

Allegations:

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

In defense of the allegation against Cllr. Nick Turner for purportedly breaching paragraph 1.1 of the Tendring District Council Code of Conduct, it is crucial to consider the context in which the interactions occurred. Cllr. Turner has consistently demonstrated a commitment to professionalism and collegiality throughout his tenure. The incidents in question arose during two meetings a series of highly charged debates where the boundaries of robust discourse were tested by all participants. It is important to note that Cllr. Turner's remarks, which are under scrutiny, were in response to provocation and were similar in nature to comments exchanged throughout the council sessions. Furthermore, Cllr. Turner has expressed regret for any unintended disrespect perceived by his colleagues and has taken proactive steps to mend relationships, including initiating a dialogue to clarify his intentions and foster mutual respect. This demonstrates his acknowledgment of the importance of maintaining decorum and his dedication to the council's values.

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.

The allegation that Cllr. Nick Turner failed to adhere to paragraph 1.2 of the Code of Conduct by not respecting local authority employees and representatives of partner organizations requires a comprehensive understanding of the context within which the interactions occurred. Cllr. Turner has a long-standing record of collaboration and support towards all members of the local government workforce and partners. The specific instances cited as disrespectful are not reflective of his usual professional demeanor but were rather isolated moments during which

misunderstandings may have arisen due to the nature of the discussions. Cllr. Turner values the essential roles played by each staff member and partner organization and has since sought to clarify any miscommunications and apologize for any perceived slights, reaffirming his commitment to a respectful and cooperative working environment. These actions underline his recognition of the significance of these relationships in achieving the council's objectives and his genuine respect for the contributions of all colleagues.

3. Cllr Turner breached paragraph 2.3 of the Code by failing to promote equalities and behaving in a discriminatory manner.

The charge that Cllr. Nick Turner has failed to promote equality and behaved in a discriminatory manner is unfounded and does not align with his longstanding record of advocacy for equality in all aspects of council work. Throughout his service, Cllr. Turner has actively supported initiatives aimed at enhancing inclusivity and has consistently worked towards eliminating barriers faced by underrepresented groups. The incidents cited as evidence of discriminatory behavior have been taken out of context and do not reflect the intentions or the actions of Cllr. Turner. These instances involved policy debates where differences in opinion were construed as discriminatory, though they were, in fact, part of legitimate discussions on the implementation of policies intended to benefit all community members equitably. Cllr. Turner deeply regrets any miscommunication that may have appeared as contrary to the principles of equality and remains committed to fostering an environment of respect and fairness for all individuals, reaffirming his dedication to the council's equalities agenda.

4. Cllr Turner breached paragraph 5.1 of the Code by bringing his own role and Tendring District Council into disrepute.

The allegation that Cllr. Nick Turner breached paragraph 5.1 of the Code of Conduct by bringing his role and the Tendring District Council into disrepute is a mischaracterization of his actions and intentions. Cllr. Turner has served the council and community with dedication and integrity, consistently striving to enhance the council's standing and efficacy through his contributions. The incidents highlighted as grounds for this charge involve complex situations where his actions were misconstrued or taken out of the broader context of his efforts to address pressing community concerns. Cllr. Turner has always acted in what he believed to be the best interests of the community and the council, with a clear understanding of the responsibilities that his role entails. Recognizing the gravity of these allegations, he has taken proactive steps to clarify his actions to both the public and his colleagues, reaffirming his unwavering commitment to maintaining the council's esteemed reputation and ensuring that his conduct continues to reflect the high standards expected of public servants.

Defence Document for Cllr. Nick Turner

Case Overview:

This document aims to provide a clear overview of the attendance and testimonial evidence gathered in relation to the allegations against Cllr. Nick Turner for incidents on the 5th and 29th of June 2023. Below are key points concerning meeting attendances, the collection of statements, and the submission of the complaint.

Attendance and Witness Statement Overview:

Meetings in Question:

1. 5th June 2023 - First Incident:

- No minutes or attendance list available; unclear how many people attended.
- Two (2) individual who provided a statement that attended this meeting: Nick Hardiman - Expert Advisor
Beccy MacDonald – Lofts – Lead Officer LGA Coastal SIG

2. 29th June 2023 - Second Incident:

- Forty-nine (49) attendees confirmed on minutes.
- Nine (9) individuals who provided statements attended this meeting, including Cllr Turner.
 - Cllr. Gibson
 - Ross Macleod (RNLI)
 - Beccy MacDonald – Lofts (Lead Officer LGA Coastal SIG)
 - Cllr. Derek Bastiman
 - Sidonie Kenward (Officer)
 - Rhys Hobbs (Officer) – Statement not signed
 - Alysha Stockman (Officer)
 - Cllr. Noel Galer

Investigation Details:

• Approach for Statements:

- Total approached: 10 individuals.
- Attendees who provided statements:
 - June 5th meeting: 2 individual.
 - June 29th meetings: 9 individuals (including Cllr Turner).

• Additional Interviews:

- Invited but unresponsive or claimed non-attendance: 5 individuals.
 - One listed as attended but denied being present.
 - One did not respond to the interview request.
 - One expressed doubt about their usefulness in the matter.
 - One could not be contacted by the investigating officer despite multiple attempts. – Bethany Hanson refused to give a statement or involved. (In Ross Macloed statement he

states he had a conversation with Beccy and Bethany directly after the June Meeting ended whilst still on line “*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*”.

Complaint Submission Timeline:

1. **First Incident (5th June) to Complaint Date (16th Aug):**
 - Duration: 72 days after the alleged incident.
2. **Second Incident (29th June) to Complaint Date (16th Aug):**
 - Duration: 48 days after the alleged incident.

Key Questions for Consideration by the Standards Committee:

1. What impact does the absence of clear attendance records have on the validity of the statements collected?

The absence of clear and accurate attendance records significantly impacts the validity of the statements collected in the investigation against Cllr. Nick Turner. This lack of reliable documentation introduces several critical issues:

1.1 Uncertainty of Witness Presence:

Without definitive attendance records, it is impossible to ascertain with certainty which individuals were present at the meetings where the alleged incidents occurred. This uncertainty directly affects the credibility of any testimony provided. If it cannot be confirmed that a witness was present during an event being described, the reliability on a balance of probability of the account is inherently compromised.

1.2 Challenges in Corroborating Statements:

Accurate attendance records are crucial for corroborating statements made by witnesses. They provide a framework that supports the investigation by confirming who could have observed the incidents. Without this verification, the process of corroborating the testimonies, on a balance of probabilities becomes fraught with speculation and assumption, weakening the overall case.

1.3 Potential for Misattributed Statements:

In the absence of clear records, there is a risk that statements could be misattributed to individuals who were not at the meetings. This can on a balance of probability lead to significant distortions in the narrative being constructed by the investigation, as conclusions may be drawn based on erroneous premises about who witnessed or participated in the events discussed.

1.4 Legal and Procedural Integrity:

The integrity of the investigative and disciplinary processes is contingent upon adherence to procedural norms, which include maintaining accurate records of meetings. The failure to uphold these standards, on a balance of probability calls into question the thoroughness and fairness of the investigation, potentially rendering any findings legally vulnerable.

Conclusion:

Therefore, the absence of clear attendance records not only undermines the validity of the statements collected but also raises substantial concerns about the overall integrity of the investigation into Cllr. Turner. It is imperative for a fair and accurate adjudication process that all evidence, especially witness testimonies, is supported by reliable documentation. Given these significant procedural deficiencies, the defence argues that on a balance of probability the weight given to these statements in assessing the allegations should be considerably reduced.

2. How does the delay in the submission of the complaint affect its credibility and relevance?

The significant delay in the submission of the complaint against Cllr. Nick Turner — 72 days following the first alleged incident and 48 days after the second — casts substantial doubt on the credibility and urgency of the allegations. This lapse in time between the occurrences and the formal lodging of the complaint is critical for several reasons:

2.1 Memory Degradation:

The reliability of human memory diminishes over time, and details become less accurate and more susceptible to influence from external factors. The extended interval before the complaint was filed, on a balance of probability likely affected the accuracy and specificity of the recollections provided by complainants, thereby potentially skewing the narrative of events.

2.2 Questionable Urgency and Motivation:

The delay in raising a formal complaint may suggest a lack of perceived severity or immediacy by those involved. In legal and disciplinary contexts, immediacy in reporting is often indicative of the seriousness with which incidents are regarded. Therefore and on a balance of probability a delayed complaint could imply that the complainant did not view the situation as urgent or grievous at the time of the incidents.

2.3 Impact on Investigative Process:

Delaying the filing of a complaint complicates the investigative process. Key evidence might no longer be available, and witness statements become less reliable as time passes. This then on a

balance of probability can significantly hinder the ability to conduct a thorough and fair investigation, which in turn affects the overall integrity of the findings.

2.4 Potential for External Influences:

The extended period prior to the filing of the complaint could on a balance of probability allow for the possibility that complainants could be influenced by factors unrelated to the incidents themselves, such as office politics or external pressures. These influences can alter perceptions and motivations, further questioning the authenticity and relevance of the complaint when it is eventually made.

Conclusion:

Given these considerations, the defence contends that the delayed submission of the complaint should lead to questions about its validity. The time elapsed not only potentially degrades the quality of evidence but also introduces doubts about the motivations behind the complaint's timing. This delay undermines the credibility and relevance of the allegations against Cllr. Turner, suggesting that the allegations may not warrant the weight they are currently afforded. Therefore, and on a balance of probability casts reasonable doubt on the allegations against Cllr. Turner.

3. The extent to which the testimonies of those with uncertain or non-attendance influence the reliability of the allegations?

The credibility of the allegations against Cllr. Nick Turner is significantly compromised by the reliance on incomplete testimonies and the uncertain attendance of key witnesses. The defence contends that the allegations lack sufficient substantiation for the following reasons:

3.1 Uncertain Attendance Records:

- The ambiguity surrounding the actual presence of several invited witnesses at the meetings in question undermines the foundation of the case. For instance, one individual was listed as having attended but has categorically denied being present. This discrepancy raises serious concerns about the accuracy of the attendance records and, consequently, about the reliability of any testimonies derived from these flawed records.

3.2 Non-Responsive Witnesses:

The investigation's integrity is further questioned by the non-responsiveness of potential witnesses. One individual failed to respond to interview requests, one said they would not be of much use, another said they could not recall anything, and another was unreachable despite multiple attempts. The absence of their input creates a void in the narrative, potentially omitting perspectives that might challenge the veracity or severity of the allegations.

3.3 Self-Dismissed Relevance of Witnesses:

Furthermore, the self-dismissed relevance of one witness, who doubted their usefulness in the investigation, suggests a perception that the events in question were not notably grievous or clear-cut. This individual's reluctance to participate could indicate that the alleged misconduct might not be as apparent or impactful as suggested.

3.4 Volatility of Witness Participation:

Lastly, the overall volatility in witness participation, highlighted by those claiming non-attendance or incomplete attendance casts doubt on the consistency and reliability of any accusatory statements. The fact that several individuals either could not recall the events clearly or chose not to participate underscores the potential for significant gaps in the narrative being presented against Cllr. Turner.

Conclusion:

Given these points, it is apparent that the allegations against Cllr. Turner rest on an unstable foundation, compromised by inadequate and unreliable testimonial evidence. The defence argues that the extent of these inconsistencies and gaps is substantial enough to question the overall credibility of the allegations. It is crucial for the fairness of any adjudicative process that allegations be supported by clear, consistent, and corroborative evidence, which in this case, are notably deficient. Therefore, and on a balance of probability, the reliability of the allegations and resulting charges against Cllr. Turner should be dismissed in light of these significant procedural and evidentiary shortcomings.

Introduction

Cllr Turner has been an active and committed member of the SIG, representing the Tendring District Council with a dedication that spans over a decade. His contributions to discussions on coastal management and safety have been driven by a genuine concern for the well-being of his constituents and the broader community. It is within this framework of committed public service that we must examine the incidents of the 5th and 29th of June 2023.

Addressing Inconsistencies and Contextual Ambiguities

1. **Meeting Attendance and Memory Reliability:** The lack of precise records concerning attendance at the 5th June meeting and the variability in witnesses' recollections point to an inherent uncertainty in the foundational aspects of the allegations. This uncertainty raises questions about the accuracy of specific claims and the reliability of the context in which Cllr Turner's actions are being judged.
2. **Interpretation of Conduct:** Cllr Turner's approach, described by some as zealous, must be viewed through the lens of passionate advocacy. What has been perceived as aggression by some could equally be interpreted as a strong commitment to scrutinizing and questioning in the interest of his constituents. This interpretation highlights the subjective nature of the accusations and underscores the need for a balanced assessment of his actions.
3. **Role and Representation:** Cllr Turner's active engagement in SIG meetings and his consistent representation of the Tendring District Council underscore his dedication to his role. His assertive participation is indicative of a Cllr. who is deeply invested in the issues at hand and committed to voicing the concerns and interests of his community.
4. **Complexity of the Discussed Issues:** The subjects of the meetings, notably the SMP Explorer Tool and coastal safety, are complex and inherently contentious. Cllr Turner's assertiveness in these discussions is reflective of the high stakes involved and his commitment to ensuring comprehensive consideration of the issues.
5. **Comments in Context:** Regarding the sensitive topics of race and religion, it is imperative to consider the intent and context of Cllr Turner's comments. Without a nuanced understanding of these elements, there is a risk of misinterpreting his intentions and the substance of his contributions to the discussion.

Additionally, the potential influence of subjective biases, such as ageism, should have been scrutinized by the investigating officer. During the investigation, it was mentioned by Becky Mac Donald-Lofts about Cllr

Turner in that it “*might be more acceptable coming from Cllr.s of a certain generation*”, which raises concerns about age-related biases influencing Becky Mac Donald-Lofts and subsequently the investigating officer because he omits this form of discrimination which is a protected characteristic from the final report is concerning. This underscores the need for an objective robust transparent and unbiased review mechanism, to prevent misinterpretations that could stem from ageist perceptions and investigator bias.

In crafting a robust defence for Cllr Turner, it is pivotal to recognize the inherent risks in the evaluation process, notably the potential for subjective biases among officers that could lead to similar allegations against any Cllr.. Such biases, whether stemming from personal disagreements or misconceptions, can significantly influence the portrayal and assessment of a Cllr.'s actions, underscoring the critical need for an objective and unbiased review mechanism. Therefore, we must ensure that the council is fully aware of this dynamic, advocating for vigilance against the influence of personal biases in the handling of allegations, to uphold the integrity of our decision-making processes and maintain trust in the impartiality of our evaluations.

Conclusion

In light of the aforementioned points, we assert that Cllr Turner's conduct must be evaluated within the context of his commitment to his role, the subjective nature of the perceptions against him, and the complexity of the discussions in which he participated. It is our belief that, when viewed in full context, Cllr Turner's actions reflect a dedicated elected community representative's efforts to advocate passionately for his constituents. We urge for a fair and balanced assessment of the events, one that acknowledges the potential for misinterpretation and the undeniable dedication Cllr Turner has shown to his community and his duties as a Cllr. over many years.

DEFENCE – Cllr. NICK TURNER:

- 1. Contextual Understanding:** Cllr Turner's comments about Afro-Caribbean people and swimming abilities were made in the context of a discussion about water safety and drowning prevention. He was intent on highlighting perceived barriers to swimming education and access to swimming facilities and appropriate attire within certain communities and in this stretch of coastline, rather than intending to make derogatory remarks. Refer to drowning statistics of black and Asian communities and RNLI and Black Swimming Association joining forces to reduce drownings in these communities and racial groups! Why no discussions on “burkinis” that cover the whole body except face, hands, feet allowing Muslim woman to swim while observing modesty according to their faith.
- 2. Freedom of Speech:** Cllr Turner was exercising his right to freedom of speech. While his comments may have been deemed controversial or uncomfortable for some, he had the right to express his opinions and observations during the meeting.
- 3. Lack of Malicious Intent:** Cllr Turner's comments were not intended to be derogatory or racist. He was passionately expressing genuine concerns and observations based on his experiences, over many years as serving as a Cllr., albeit in a manner that was perceived negatively by others.
- 4. Misinterpretation:** In Cllr Turner's opinion, comments he made were misinterpreted or taken out of context. His intentions were misunderstood, and his remarks were not meant to be offensive rather seeking similarities of incidents and experiences in other parts of the coastline, in order to identify learning and implementation of preventive measures to stop drownings.
- 5. Cultural Sensitivity:** Cllr Turner's comments were intended to address cultural differences in swimming habits and attire rather than perpetuate stereotypes. He was attempting to start a conversation about the need for culturally sensitive approaches to water safety education. Had Ross Mc Cloud expanded on the swimming attire, drowning statistics within his presentation rather than being defensive and wanting to shut him down, greater clarity of Cllr Turners perspective may have been better received?
- 6. Challenging Assumptions:** Cllr Turner's comments were intended to challenge assumptions and stereotypes about swimming abilities within certain communities. By bringing up the topic, his aim was to spark greater focussed discussion and awareness about issues related to swimming incidents, the lack of awareness, skills and education on water safety, especially with regard to ethnic minorities and the number of drownings within this ethnic group and the area.
- 7. Lack of Awareness:** Cllr Turner was unaware of the potential offensiveness of his remarks and did not realize their impact on others. He did not intend to cause harm or discomfort with his comments. This is evidenced as he

immediately apologised when informed that he had caused offence on 18th August 2023 - Refer Cllr. Turners apologies below:

- “As to the drownings I was told it was because bathing costumes where 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? Tending has one of the worst records for beach accidents. **I apologise unreservedly for any offence given.**”
- “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**”.

8. Immediate Acknowledgment and Sincere Apology: First and foremost, it is imperative to acknowledge that upon realizing his comments could be construed as offensive, Cllr Turner did not hesitate to apologize unreservedly. His prompt and genuine apology reflects not only his recognition of the impact of his words but also his integrity and commitment to the community he serves. This immediate act of contrition should be viewed as a cornerstone of his defence. An apology, especially one as sincere as Cllr Turner’s, is a clear indication of his good character and his intentions.

9. Intent vs Impact: It is important to differentiate between the intent of Cllr Turner’s comments and their unintended impact. His aim was to contribute meaningfully to a discussion on enhancing beach safety, drawing upon historical incidents and personal anecdotes to underscore the significance of the issue at hand. Unfortunately, the impact diverged from this intent. Recognizing this, Cllr Turner’s apology sought to bridge this gap, reaffirming his dedication to the safety and well-being of his community.

10. Contextual Clarification: The context in which these comments were made is crucial for a comprehensive understanding. Cllr Turner was addressing a pattern of accidents tied to inadequate awareness and preparation among beachgoers—a legitimate concern that merits open discussion. His reference to past conversations and experiences was aimed at highlighting these issues, not diminishing the severity of the outcomes.

In the face of allegations suggesting that Cllr Turner’s mention of specific ethnic minorities—Muslim women and Afro-Caribbean individuals—was rooted in racism, it is paramount to contextualize his actions within his overarching aim of advocating for inclusivity and safety for every community member.

Cllr Turner's conduct, marked by a dedicated effort to highlight and address the unique challenges faced by these groups in accessing water safety education, was motivated by a commitment to equity and prevention, not discrimination.

Understanding the gravity of such accusations, it is critical to assert that Cllr Turner's references to these communities were not intended to stereotype or marginalize but were calls to action. They were an acknowledgment of the systemic and cultural hurdles that can limit access to swimming lessons and water safety knowledge—barriers that, if unaddressed, exacerbate risks and preventable tragedies. By proactively naming these issues, Cllr Turner sought to catalyse a constructive dialogue aimed at dismantling these barriers, not reinforcing them.

His conduct—initiating conversations, leveraging real-world data, and pushing for community-wide safety solutions—demonstrates an approach that is antithetical to racism. It is a conduct that recognizes diversity as a strength and seeks to ensure that public safety measures are as inclusive and effective as possible. This approach, far from being discriminatory, is a testament to Cllr Turner's dedication to serving and protecting all constituents, with a keen awareness of the nuanced needs of diverse communities.

In defending Cllr Turner against these grave accusations, it is essential to highlight that his focus on specific ethnic minorities was driven by a genuine concern for their safety and well-being. His actions, when viewed in the light of his responsibility to address and advocate for the safety of every community member, underline a commitment to inclusivity, awareness, and proactive public service. This defence firmly rejects the notion that his conduct was racially motivated, instead presenting a narrative of a community leader dedicated to equality, safety, and the betterment of all lives within the community.

Absence of outcomes from the police referrals - This case brings to attention significant procedural concerns that merit the committees careful consideration. The initial complaint against Cllr. Turner, as filed by Chairperson Cllr. Gibson and subsequently referred to Essex Police by Lisa Hastings, alongside a parallel complaint regarding allegations of racism referred by Beccy MacDonald-Lofts, have to date not yielded any published outcomes. Despite the passage of time since these referrals in August 2023, Cllr. Turner has not received any formal communication regarding the results of these investigations or any associated meeting outcomes that were scheduled for the week of August 29, 2023. The absence of timely feedback and the ongoing uncertainty faced by Cllr. Turner raises concerns about the potential for these actions to be perceived as not only procedurally deficient but also possibly bearing elements of malice or intimidation. The delay and lack of communication can be construed as undermining the principles of fairness and

transparency that are foundational to both the administrative processes of the Tendring District Council and the justice system at large.

It is crucial for the integrity of all involved parties and the justice process that these matters are addressed expediently and transparently. The defence respectfully urges the committee to consider these procedural anomalies and the undue stress and reputational damage they have potentially caused to Cllr. Turner, which may influence the fairness of the proceedings against him.

We trust that the committee will acknowledge these significant concerns and provide a resolution that upholds the principles of justice and procedural fairness.

- 11. Commitment to Public Safety:** Cllr Turner's longstanding commitment to public safety and his active engagement in finding solutions to prevent beach-related tragedies should not be overshadowed by a momentary lapse in communication. His actions, both in his role as a Cllr. and in his immediate response to the controversy, demonstrate a clear dedication to the community's welfare.
- 12. The Value of Dialogue and Learning:** This incident provides an invaluable learning opportunity for all involved. It underscores the importance of thoughtful communication, and the impact words can have. Cllr Turner's willingness to learn from this experience and to apologize sincerely should be seen as commendable. It is a testament to his character and his dedication to serving the public with both respect and humility.

Cllr Turner acknowledges the unintended offense his comments caused, it is crucial that we also recognize the sincerity of his apology and his genuine intention to contribute positively to a critical community issue. We advocate for a resolution that focuses on constructive engagement and shared goals, rather than punitive measures, in the spirit of community, understanding, and progress, grounded in the principles of forgiveness, learning, and collective betterment.

Information below provides some clarity in relation to what Ross Mac Cloud's lecture negated to include for the purposes of clarity!

Materials That Help You Float

1. **Foam Neoprene:** This is the material commonly used in life jackets and wetsuits. It is lightweight and has a structure that traps air, making it inherently buoyant. Life jackets are designed to keep you floating for a long time, as long as the jacket is properly secured and intact.
2. **Closed-Cell Foam:** Similar to foam neoprene, closed-cell foam does not absorb water and retains air, making it an excellent material for flotation devices. Items like pool noodles and some types of buoyancy aids are made from closed-cell foam.
3. **Polyethylene Foams:** Widely used in personal flotation devices, these foams offer good buoyancy and durability. They can help you float indefinitely as long as the material remains structurally sound and is not compressed.

Materials That Can Increase Drowning Risk

1. **Cotton and Wool:** When wet, these materials become heavy and do not offer buoyancy. They can absorb a significant amount of water, which increases your weight in water and makes it harder to swim or stay afloat.

2. **Leather and Heavy Denim:** Like cotton and wool, these materials absorb water and become very heavy when wet, potentially increasing the risk of sinking.
3. **Heavy Boots and Outerwear:** Clothing made from heavy materials that absorb water, including boots and jackets, can significantly hinder your ability to swim or float.

The duration for which buoyant materials can help you float depends on several factors, including the condition of the material (e.g., wear and tear), whether the material is compressed, and the weight of the person using the material for flotation. Inflatable devices, if punctured, will lose their buoyancy. Solid materials like foam neoprene and polyethylene foams offer more consistent and longer-lasting buoyancy as long as they are not physically damaged.

It's crucial to remember that while some materials can aid in flotation, they are not substitutes for proper swimming garments, skills, supervision, and the use of certified flotation devices in water activities. Always prioritize safety and be prepared for the conditions you'll encounter in water.

In the matter of Cllr. Nick Turner, upon thorough review and consideration of all the evidence and circumstances surrounding the allegations, the defence submits that on a balance of probabilities, the charges against Cllr. Turner should be dismissed. This conclusion is drawn based on a combination of factors that highlight both procedural shortcomings and substantive contributions by the Cllr. which underscore the need for a balanced and equitable resolution.

Summary of Key Points:

1. Insufficient and Unreliable Evidence:

- The foundation of the allegations is weakened by the lack of clear and reliable attendance records. This gap introduces substantial doubt about who actually witnessed the events, thereby questioning the legitimacy of the evidence against Cllr. Turner.

2. Procedural Deficiencies:

- The significant delay in filing the complaint, coupled with inaccurate documentation, undermines the urgency and seriousness with which these allegations should be treated. Such procedural lapses diminish the integrity of the investigative process and, by extension, the credibility of the allegations.

3. Witness Issues:

- The credibility of the testimonies collected is compromised by the non-responsiveness of key witnesses and their uncertain attendance at the relevant meetings. This further erodes the reliability of the evidence presented against Cllr. Turner.

4. Lack of Corroborative Testimony:

- There is a notable absence of corroborative testimony that unequivocally supports the allegations. This deficiency is critical, especially given the procedural flaws and the high stakes of the accusations.

5. Potential Bias and Misinterpretations:

- The procedural errors and the manner in which testimonies have been collected raise concerns about potential bias and misinterpretations affecting the outcome. These factors could unfairly influence the adjudication process against Cllr. Turner.

Context of Cllr. Turner's Contributions:

- Beyond the immediate allegations, it is essential to consider Cllr. Turner's substantial contributions to community safety and his proactive involvement in addressing critical issues like drowning prevention in Tendring. His genuine apology and willingness to engage in dialogue highlight his commitment to rectifying any perceived misconduct and continuing his dedicated service to the community.

Conclusion:

Taking into account these elements, the defence argues that the allegations against Cllr. Nick Turner do not meet the required standard of proof on a balance of probabilities. The combination of unreliable testimonies, significant procedural errors, and insufficient corroborative evidence strongly suggests that it is more likely than not that the case against Cllr. Turner lacks the necessary foundation to proceed. Therefore, in the interests of natural justice and fairness, and considering Cllr. Turner's valuable ongoing contributions to community safety, the charges should be dismissed.

This resolution would uphold the principles of due process and maintain the council's integrity, allowing it to continue focusing on critical community issues with Cllr. Turner's experienced input.

By dismissing the charges on these grounds, the council would not only ensure a fair and just treatment of Cllr. Turner but also reinforce its commitment to handling such matters impartially with the utmost consideration of both evidence and the broader impact on community service and safety.

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