

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