

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