

TENDRING DISTRICT COUNCIL – Nick Hardiman, Environment Agency (NH) and Melvin Kenyon, Investigator (MK). 11:20am, 20th December 2023. MS Teams.

Preamble

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

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

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

NH gave his consent and MK began the recording.

MK continued, “For the benefit of the recording it is now Wednesday 20th December at 11.20am or thereabouts. This is a conversation between Melvin Kenyon and Nick Hardiman of the Environment Agency concerning a Standards Complaint raised on 16th August 2023 by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick Turner of Tendring District Council.

“Cllr Gibson alleged in his Complaint that Cllr Turner breached the Tendring District Council Code of Conduct at two separate meetings relating to the work of the LGA Coastal Special Interest Group that took place in June this year, the first of which you attended, I believe?”

NH confirmed that he had attended the meeting.

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

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

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

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

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

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

NH confirmed that he was content and had no questions.

Role

In answer to a question from MK about his role at the Environment Agency and involvement with the LGA Coastal Special Interest Group (SIG), NH replied, "I joined the Environment Agency (EA) in 2009. My role is that of Expert Adviser - Coast | National FCRM Directorate within the EA. Expert Advisers are to be found in the National Directorate for Flood and Coastal Erosion Risk Management at the EA. There are just a few of us. We manage large programmes of work and provide expert advice on coastal management to DEFRA and to senior management.

"I attend the LGA SIG to brief them on key projects and initiatives that we/I are doing. I also provide a general update on the EA's broader work. The Group is valuable for us because it is a forum where elected councillors and local authority officers meet. They are a key group of stakeholders for us because they provide us with information about the many issues they have to grapple with. It's an opportunity for us to improve their understanding of what we do, and that is especially so for newly elected councillors."

LGA SIG 5th June 2023 Meeting

Background

MK next asked why NH had attended the SIG meeting on 5th June. He replied, "We have had a hard year working on the Shoreline Management Plan (SMP) Explorer Tool and on the wider project, the Shoreline Management Plan Refresh.

"Shoreline Management Plans are long term plans developed between 2006 and 2012. They set out the direction of travel in terms of our management of the coast all around England. The coastline is split into small pieces that make sense in terms of coastal processes and local features.

"The Plans are internationally well-known and well-renowned. They attempt to formulate a sustainable forward look and take into account climate change. They also take into account the quality of the environment. For example, we may wish to defend a stretch of coastline or manage it in some other way. The Plans are developed with, and adopted by, local councils, which is an ace card. No-one can say the Plans have been "foisted on local councils by an unelected quango" (not language I would choose but a common accusation nevertheless). There is a strong sense of local ownership.

"The Plans do need to be refreshed and updated. That has been going on and a part of that work has been to make the Plans (which are very long PDF files) more accessible. Hence the SMP

Explorer which makes the Plans available on a new online platform that strives to make the Plans easier to understand and access and summarises the key aspects of the Plans. The tool will allow people (via GOV.UK) to enter their postcode and access the Plans. They can find out about the management approaches to specific parts of the coastline and learn about the associated risks and constraints, such as protected sites. The associated Action Plans will be easier to access. We have been developing the tool this year and it will be launched live at the end of January 2024. A draft site with limited password protected access is currently available for certain stakeholders, including local authorities, to foster familiarity.

“On 5th June we had just come out of a six month period of testing where local authorities, including elected members, were able to view the tool online and provide comments. I was giving a demo on what the tool was looking like and the feedback we had had before finalising the tool. There was only a handful of people at the meeting.”

Cllr Turner and the 5th June Meeting

MK said that he had been told that NH knew Cllr Nick Turner professionally and had worked with him over several years. How had NH found him to be professionally (rather than personally)? NH replied, “The Area Team has been the primary contact point with Cllr Turner. My interaction with him has been through the LGA SIG and their national meetings, as you say, over a number of years.

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

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

Asked how he would characterise Cllr Turner’s behaviour at the 5th June meeting, NH replied, “I don’t remember some of the things that were said and there were other things that were said where I thought after the meeting, “Well, that’s just Cllr Turner!”

“I know that he doesn’t like, doesn’t agree with, and hasn’t signed up to Shoreline Management Plans. He appears to be something of a climate change sceptic and dislikes some of the things we are trying to do in the Plans. His attacks have tended to be against the Plans themselves.

“But in June I would characterise his behaviour as a “strong rant” against the Plans and the whole principle of what we are trying to do. It then became much more personal, “You come here, and you tell us about these things. You’re wasting my time. Your work is pointless.” It felt much more

aggressive and personal (though there was no name-calling or “I know where you live” kind of stuff!).

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

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

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

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

Discussion ended at 11:55