

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 [hisr] 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