

TENDRING DISTRICT COUNCIL – Sidonie Kenward (SK) and Melvin Kenyon, Investigator (MK). 1.15pm, 21st 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. Can you confirm that you consent to the recording of the interview please?”

SK gave her consent to recording.

MK continued. “For the benefit of the recording it is now Thursday 21st September at 1.15pm or thereabouts. This is a conversation between Melvin Kenyon and Sidonie Kenward of the Marine Management Organisation 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 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 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 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 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?"

SK asked if comments she made might be attributed to her. MK said that if they formed part of his report then, yes, they would. SK confirmed that she had understood and was content with what MK had said. She had a 15 year background in Human Resources and had conducted disciplinarys and grievances. This process had a similar feel to it.

Role

In response to a question from MK, SK said, "I work as a Marine and Terrestrial Planner at the Marine Management Organisation (MMO), a role I took on around a year ago. The MMO was set up under the Marine and Coastal Access Act in 2009. It took over from the Marine and Fisheries Agency which was abolished in 2010 under the Coalition Government. It is an NDPB that sits under DEFRA, which provides funding, and has around 500 employees.

"The MMO manages everything that happens in England's marine environment. We have responsibility for matters in areas such as coastal erosion, ports and shipping, fisheries, wind farms, licensing, enforcement, and the like.

"I work in the Marine Planning Team. There are around 30 of us. We write Marine Plans for different regions of England. I specialise in the inter-tidal area and work in particular with local authorities to understand their local issues and to integrate marine plans with local plans in order to ensure that local and national marine plans cross refer to one another. For example, there may be developments that need a marine consent as well as a planning application.

"The June 29th meeting was the first meeting of the LGA Coastal Special Interest Group (SIG) that I had attended. We see the SIG as a two-way conversation. We want to understand and keep abreast of the issues that member councils are addressing locally around the coast, and we want to update them about the work of the MMO. A member of our Marine Licensing Team also attends the SIG to update authorities on what they are doing and address any issues as they arise. These kinds of links are important too to other external bodies – the SIG is a great sharing resource for them as it is for the MMO.

"The SIG is also important for us because of the links to the All Parliamentary Group via the Secretariat and the wider work that it does, so it's not just the links to the local authorities that are important to us."

Complaint

MK said that the Complaint arose out of events that allegedly took place during two meetings related to the work of the SIG. The first discussed the Shoreline Management Plan Explorer Tool on 5th June. The second was the Quarterly Meeting on 29th June. SK confirmed that she was not present at the 5th June meeting.

Katharine Ludford (a manager in her team at the MMO, SK said) wrote the following in her email to Beccy Lofts on 10th July which MK next quoted.

"[One of my colleagues] stated that during the RNLI presentation there were inappropriate comments made, that were derogatory to people of a certain race, by a Councillor that made them very uncomfortable. I was also made aware that the Chair did not respond to the comments stating that they were inappropriate and that they were not acceptable.

I would like to make it clear that we do not condone these kinds of comments and we do not want to be a part of these meetings with comments like these being made.

Could you please confirm that these types of comments will not be made in future meetings and that the Chair will shut these down / condone them if any are made."

In response SK said, "There were inappropriate comments made in two separate parts of the meeting, not just during the RNLI presentation. I felt like I wanted to say something during the meeting, but I was aware that it was my first meeting and that I was representing the MMO rather than myself. I was unaware of the etiquette, as it were.

"I struggled with it afterwards and thought it all through because my immediate feeling was that what had been said wasn't right or appropriate. So, after some consideration, I raised what had happened with my line manager afterwards and it was escalated to Katharine who is the person who deals with anything of this nature within the team.

"I was asked to put together a summary of my recollections of what happened at the meeting. I sent it to my line manager in the first instance, and this was shared with Katharine. She would have referred to that when preparing the email to send to Beccy that you have just read out.

"One of the items on the agenda was about World Drowning Prevention Day. Ross MacLeod of the RNLI made a presentation on floating. Before the presentation began Cllr Nick Turner had commented on how Afro-Caribbean people go into the water in their clothes. He talked about a drowning that had happened in his district a few years ago. The victims were an Afro-Caribbean brother and sister who had been wearing clothes. Had they not been wearing clothes, he said, they probably wouldn't have drowned. That was when he first raised the subject. I thought it was a strange thing to say at the time. It seemed odd and out-of-place.

"Cllr Turner then picked it back up and elaborated on the point during the presentation made by Ross MacLeod. Cllr Turner talked in general about his dissatisfaction with the RNLI. He then said that Afro-Caribbean people were unable to swim. He said something like, "Can't" is a strong word but they don't want to swim, and the RNLI really needs to focus its efforts on these people". It was known, he said, that Afro-Caribbeans had a different kind of body structure and were unable to float because of it. He didn't seem to have any basis for saying this other than what he had said earlier.

“Ross said that they would have to agree to disagree over that. I felt uncomfortable with what Cllr Turner was saying because of the way in which he was saying it. It sounded very derogatory – “these people, they don’t know how to swim” – it was almost as if he was saying that they were so stupid for going into the water with their clothes on. I felt he was saying it in that way, and it came across as racist.

“I was thinking that there might be sections of society who don’t get access to swimming lessons and that, maybe, he could have approached his point in a different way. But he didn’t and I was left with the feeling that the way he was talking about the subject was inappropriate. Because it came across to me in such a derogatory way I felt that there was a racist element to it – and I do know that that is a strong accusation to make against someone. He was making derogatory comments about particular groups in society. It was “a spine-tingle-this-doesn’t-feel-quite-right” moment. I could see that Beccy looked really uncomfortable on camera.

“There is no diversity whatsoever in the SIG, which is another matter altogether. We were all white people sitting discussing an issue that none of us have any real lived understanding of. Had someone said what he said to me one-on-one, I would have said something so I was really quite taken aback that he was saying what he said in a public forum.

“I don’t recall anyone trying to calm him down and bring him to order. Ross, the RNLI representative, who comes across as very amenable, was dealing with what Cllr Turner was saying (because he was interrupting his presentation) in quite a constructive way by saying that he didn’t agree with him. Cllr Turner was being very dismissive of the report that the RNLI had done on drowning and floating. He was more or less saying, “Why would you do a report on floating?”. Ross was trying to explain the rationale behind it. Saying “we will have to agree to disagree” was a kind of way of shutting it down.

“I myself thought that the Chair should have intervened (which is what Katharine said in her email) and he did not. Had someone been shouting and swearing I don’t think the Chair would have remained silent, but he did in this case.

“This matter was raised at last week’s meeting (held on 14th September 2023) under “Group Standards.” It had previously been up to the members collectively to decide whether an individual should stop talking or adjourn the meeting. That has now been amended so that it is the Chair’s clear responsibility to intervene. It is for the Chair to adjourn the meeting and speak to the individual concerned or adjourn and remove that individual from the meeting.

“I felt that Cllr Turner was completely oblivious to the offence he was causing. He seemed to be expressing what he honestly thought and said what he said just like he would say anything else. It appeared to me to be an ingrained belief – “they are like this and that’s how they all are” – which didn’t sit at all well with me. There was perhaps a time when such statements were acceptable but (even though it was, in fact, never fine) it is not acceptable today. You might want to speak to Mel Nicholls in my team at the MMO and Adrian Clarke from marine licensing at the MMO to see whether they share my opinion of what happened.”

In response to a question from MK, SK said that she didn’t recall anything derogatory being said about German people.

Discussion ended at 2pm