

TENDRING DISTRICT COUNCIL – Ross Macleod (RM) and Melvin Kenyon, Investigator (MK). 10am, 6th October 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 in the meantime without your permission. Can you confirm that you consent to the recording of the interview please?”

RM gave his consent to recording.

MK continued. “For the benefit of the recording it is now Friday, 6th October at 10am or thereabouts. This is a conversation between Melvin Kenyon and Ross Macleod, the Public Affairs Manager (Water Safety) for the RNLI, 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 (actually) two separate meetings relating to the work of the LGA Coastal Special Interest Group both of which took place in June this year. I have also seen an email that you sent to Beccy Lofts 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 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. That means that 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?”

RM asked whether MK’s final report would be published anywhere? MK replied that it was not a clear cut matter and that it depended on whether the Complaint resulted in a hearing and what the Council’s approach was. However, RM should be aware that the report might end up in the public domain.

RM then confirmed that he had understood and was content with what MK had said. MK confirmed that a “typical” investigation tended to take around three months to complete.

Role

In response to a question from MK, RM said, “I have worked at the RNLI for more than 20 years in various roles. I first joined the LGA Coastal Special Interest Group (SIG) in around 2019 in my capacity as a Senior Marketing Manager when I was running a water safety, drowning prevention campaign called “Float to Live”.

“That aims to give people survival skills should they find themselves in trouble in the water. I was seeking to extend and disseminate that campaign to groups that the RNLI was not reaching and the SIG was one of those. The coastal local authorities that are members of the SIG have a vested interest in keeping their visitors and residents safe.

“In early 2020 I became the Public Affairs Manager (Water Safety) for the RNLI. It is a national role which looks at forming relationships with public sector organisations regarding water safety and drowning prevention. As a result, I continued to attend the SIG and am a regular participant and contributor to the Group’s work and a conduit to other related groups.

“The RNLI celebrates its 200th birthday next year. Its mission is saving lives at sea. That covers three main lines of work. Lifeboats (240 stations across the UK and Ireland), lifeguards (a seasonal service of 2000 lifeguards contracted by local authorities on 250 beaches), and a water safety team which aims to prevent accidents before they happen (life jackets, floating etc.). We also have a small international team which shares our expertise overseas.”

Background

MK said that he understood that the Complaint arose out of events that took place during two meetings that related to the work of the Group. The meeting that RM wrote to Becky Lofts about in an email was the meeting that took place on 29th June. The other meeting was on 5th June.

RM replied, “I did not attend the 5th June meeting. However, there was an earlier, face-to-face meeting on 7th December 2022 in London. I vividly remember Cllr Turner – Nick – standing up in a room with a large audience and saying that he had an axe to grind with the RNLI about discussions that were going on over the Walton and Frinton lifeboat. He intended, he said, to oppose proposals which were to change the class of lifeboat from an all-weather boat to an in-shore inflatable. I took him aside later and said I would follow up, which I did, though it is not my area of responsibility. I put him in touch with the local team and I understand there was a discussion with them some time later. I wanted his voice to be heard. He appears to have strong connections with the Walton and Frinton crew.

“His words and approach on that day in such a public space made me feel uncomfortable though I didn’t take it any further. He could have achieved the same end in a side conversation. My experience of being with Nick in a number of meetings over the years is that he is very vocal and likes to have his voice heard. I don’t know why he chooses to approach things in that way.

“The 29th June meeting was held online. I was briefing the Group on World Drowning Prevention Day (25th July) and the RNLI’s “Float to Live” Campaign. I was sharing some information and related advice on research about how people can best survive in different water conditions. I mentioned that there was a 60 or 70 page report on the subject.

“When I finished presenting, Nick came straight in and said in a derogatory way that he couldn’t believe we were spending money generating such lengthy reports when we are closing lifeboat stations. I can’t remember exactly what was said, but he was derogatory towards the RNLI’s approach to spending money.

“Whilst I was sharing some of the campaign posters he observed that there was an apparent lack of diversity in the material (I happened to have a white male on the poster). I pointed out that we have a number of different actors in our material and that they are appropriately diverse so that we can identify with people from different communities. I made the point that we work closely with an organisation called the Black Swimming Association which aims to promote the participation of Black Caribbean and Asian people in water sports.

“He didn’t appear to take any of that on board and was in transmit mode. He said that the materials did not reflect those who were drowning in his area (though he didn’t go so far as to attack me personally). He said that many of those who had drowned in Clacton were wearing clothes in accordance with their religious beliefs. One phrase that he definitely said that stuck in my mind was, “It’s not that they can’t float, it’s that they won’t float”. I felt that that was very pointed, and I was really uncomfortable by that stage.

“The RNLI is putting a great deal of effort into making sure that our water safety efforts are more inclusive and that we consider all the diverse parts of the community to save more lives at sea. It is a priority for the RNLI and is identified in our strategy. I have been personally involved in that and I felt attacked as a consequence. He was unfairly attacking the organisation that I represent.

“I found his language clumsy, at best, and that it could easily fall into racial stereotyping of the kind that “black people can’t swim”, “black people can’t float”. These are myths. The suggestion that “they won’t float” sat really uncomfortably with me in a public, albeit a closed, forum. He also referred to clothing and a perceived tendency for certain groups, Muslims for example, to go into the water fully clothed for cultural reasons. That too is something of a myth because, initially

at least, if someone falls into the water wearing clothes it gives them more buoyancy. This is evidenced in RNLI research with the University of Portsmouth. Of course, if someone tries to swim fully clothed then that will act as a drag on them. The issue is more about swimming ability and water confidence than clothing.

“I am aware that they have had a few tragic and high profile drownings in Clacton (my mother is from Clacton, so I keep an eye out). They have had people of colour drown there. It is a big challenge in Clacton and more widely. People coming to the coast from a big city sometimes have a lack of knowledge around tides, waves, currents, and the like. I think that maybe Nick feels some frustration that he hasn’t been able to be part of a successful solution locally to prevent these drownings.

“I don’t think he said what he said out of malice. Rather that he was uninformed and that he likes the sound of his own voice. He tends to portray himself as knowing best in a lot of situations. I am proud of what I and the RNLI do, and it seems as if he never wants to listen to anyone else’s opinion, even though we do have a number of subject matter experts who contribute to the Group’s work.

“Cllr Gibson tried to politely shut Nick down, but he carried on speaking anyway. I spoke to Becca immediately after the meeting who was still online with her colleague, Bethany, and told her it had made me feel uncomfortable. She agreed and I believe that others may also have raised the same concerns as I did.

“I feel positive about the SIG, but I felt uncomfortable and embarrassed at what Nick had said at that meeting. His comments were not helpful or constructive. We had a couple of new members at that meeting, and it was just inappropriate for them to be subjected to that. Had such comments been made at a meeting by someone working for the RNLI, a disciplinary process would follow, or a very strong conversation would take place. It was not the kind of acceptable language and behaviour that we would expect of an RNLI volunteer or staff member.

“I don’t think Nick appreciates the impact he has on other people. He has a low level of self-awareness. Maybe he just doesn’t care? His approach to his role may have been acceptable 20 or 30 years ago but it isn’t today. I am just pleased that none of my colleagues from the Black Swimming Association were present. In fact, I don’t think anyone of colour was on the call. That would have made a difficult conversation even more difficult. I’m now kicking myself that I didn’t challenge a little more publicly at the time.”

In answer to a question from MK, RM said that he did not recall any derogatory remarks about the Germans.

Asked how Cllr Turner may have breached the Code of Conduct, RM replied, “We have already discussed his racial stereotyping. I felt uncomfortable that a local councillor was making such comments so vociferously in public. Whilst I don’t think he is a racist, he should certainly be more considered about what he says. As a leader within his own community, I would expect him to treat others with respect. I don’t feel he did that on this occasion. He very obviously has an axe to grind with the RNLI (his words) and that seemed to prevent him from dealing with things objectively and impartially.”

Discussion ended at 10.40am