

**TENDRING DISTRICT COUNCIL – Rhys Hobbs (RH) and Melvin Kenyon, Investigator (MK). 9.45am, 20<sup>th</sup> 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 without your permission in the meantime. Could you please confirm that you consent to this?”

RH gave his consent.

MK continued. “For the benefit of the recording it is now Friday, 20<sup>th</sup> October at 9.45am or thereabouts. This is a conversation between Melvin Kenyon and Rhys Hobbs, Environmental Resilience and Adaptation Manager, for Cornwall Council, concerning a Standards Complaint raised by Cllr Ernest Gibson of South Tyneside Council against Cllr Nick Turner of Tendring District Council on 16<sup>th</sup> 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 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. 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?"

RH asked whether comments included in MK's report would be attributed to individuals or whether they would be anonymised. MK replied that they would be attributed to individuals, but that RH was one of several individuals that he was interviewing. RH then confirmed that he had understood what MK had said and that he had no further questions.

### **Role**

In response to a question from MK about his role, RH said, "I am the Environmental Resilience and Adaptation Manager for Cornwall Council. That means that I am the lead local flood authority and coastal protection officer for Cornwall Council. The team and I lead on coastal protection and local flooding matters. In terms of protecting and managing the many miles of coastline in Cornwall, we manage it mainly from the perspective of sea-flooding and coastal erosion.

"Initially our attendance at the Special Interest Group (SIG) was fairly sporadic but in the past year our attendance has been pretty consistent. I act as the Council's link officer between the SIG and Cornwall Council. We share some of the information we get from the Group more widely within the Council since we are not the only officers who deal with coastal matters. For example, the quality of bathing water is not the responsibility of my team but falls to another area within the Council.

"We did consider whether we should renew our membership of the SIG when the fees changed. We decided to renew and at the same time decided to get more involved and get as much value as we could from our membership. It has definitely been valuable this year."

### **Quarterly Meeting of the SIG on 29<sup>th</sup> June 2023**

RH said, "I did not attend the meeting on 5<sup>th</sup> June to discuss the SMP Explorer tool because we have engaged directly with the Environment Agency about the Explorer tool. I was, though, present at the Quarterly Meeting of the SIG which was held virtually on 29<sup>th</sup> June.

"My memory of what happened at the meeting is fairly vague – several months have passed since then. I remember comments that were made about drowning and safety related matters though I don't remember any of the detail of what was said.

"I remember comments being about people of a particular racial background and the speaker's perception of the risks of drowning for people of that background. I remember the suggestion that the victims' race may have played a part in their drowning and their ability to survive in the sea. The comments made by the speaker certainly reinforced racial stereotypes and were opinions rather than statements of fact.

“Cllr Nick Turner was one of several councillors involved in the discussion. I am not completely certain that it was Cllr Turner who made the comments, though they were certainly made by a councillor rather than an officer. I do, however, remember that the comments made were not at all appropriate in the context of the topic we were discussing, if in any context at all. The topics being discussed were “World Drowning Day” and “Float to Live”. I remember feeling uncomfortable about the comments at the time. The discussion became quite animated, and the Chair closed it down quite quickly.”

**Discussion ended at 10.10am (after some technical issues).**