

TENDRING DISTRICT COUNCIL – Cllr Derek Bastiman (DB) and Melvin Kenyon, Investigator (MK). 2pm, 23rd October 2023. MS Teams.

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?”

DB gave his consent.

MK continued. “For the benefit of the recording it is now Monday 23rd October at 2pm or thereabouts. This is a conversation between Melvin Kenyon and Cllr Derek Bastiman, of North Yorkshire Council, 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 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?"

DB confirmed that he had understood what MK said and was content with it.

Role

In response to a question from MK, DB said, "I have been a Parish Councillor for 35 years, I was a Borough Councillor for 28 years, I was a member of North Yorkshire County Council for 10 years, and I have been a member of the new North Yorkshire Unitary Council since April 1st, 2023. A total of 74 years of public service. I am a member of the Conservative Party.

"I serve on a number of outside bodies, some of which relate to coastal and flood management matters. Amongst those is the LGA Coastal Special Interest Group (SIG) which I originally attended having been nominated by Scarborough Borough Council. I am honoured to be Vice-Chair of the SIG. The SIG covers the coastline from the Scottish borders right round to the Welsh borders. It is vitally important that coastal areas and estuarial cities and towns are represented by a national body and have a national voice so that they can secure investment in coastal protection and the like. I am very much an advocate of that, and I also champion beach and water safety. The SIG is an effective body otherwise I wouldn't waste my time being involved in it. I am a big supporter of it and believe there ought to be a coastal minister. If you are at the table you stand a chance of getting things done."

Quarterly Meeting of the SIG on 29th June 2023

Asked about the Complaint DB said, "I was unable to attend the meeting on 5th June to discuss the SMP Explorer tool for personal reasons. I was, though, present at the Quarterly Meeting of the SIG which was held virtually on 29th June."

MK then asked DB to expand on an email that DB had sent him on 8th October. It read, "*I am pleased to have the opportunity to comment on the member's attitude at that meeting. Whether any meeting is via Teams / Zoom or actual [face to face] respect is the key word every time. The person in question was extremely rude to Officers be it from the LGA SIG Group or invited attendees.*

Members attend these meetings to work collectively to improve our Coastal areas and such action, not for the first time may I add, is totally unacceptable and should play no part in our work. I have been a councillor for many years and have won and lost discussions many a time. You have to be professional, accept the decision, and most importantly respect other people's comments.

Elected members should and are aware of the Nolan principles and, on this occasion and others, the subject person was guilty of not adhering to those principles. In short, the member should not be on the Board."

DB replied, "Nick Turner is very forthright and thinks he knows everything and everyone else knows nothing. He has a cavalier approach to people. He sees no good in the efforts of anyone else and just doesn't accept other people's comments, decisions, or explanations. He certainly knows he's doing it when he behaves as he does and seems to derive a certain pleasure or satisfaction from doing it. He gives the impression of speaking without thinking.

"This wasn't the first time he had been rude in my presence. I have heard him during face to face meetings making rude comments and being derogatory about other people. I would prefer not to have to engage with him at all.

"He was *extremely* rude and offhand at the June Quarterly Meeting and showed no respect for officers and others, and in particular Ross MacLeod of the RNLI during a discussion on lifebelts (something I myself am passionate about), lifeboats, and water safety. Nick went off on a tangent about a lifeboat in his Council area and was very rude to Ross. Ross is one of the most inoffensive and nicest people you would ever wish to meet. Nick was also rude and curt to a person from the Environment Agency who was also at the meeting.

"People from external bodies attend the meetings to be helpful and supportive and do not need to be spoken to in that way. I don't recall what he said verbatim, but I was left with the overall impression that he had been "bloody rude", and that impression has stuck with me ever since. I do not need to know exactly what he said to state that he was extremely rude.

"I also recall him making racist comments during the meeting. I mentioned an incident in Scarborough Harbour involving a young Asian boy who found himself out of his depth and came close to drowning before being rescued by the RNLI. He had floated like a starfish and knew about the "Float to Live Campaign" from watching TV programmes. Sometimes people coming to the coast from inland, like that young boy, don't understand the power of the sea.

"That then gave rise to what I saw as a racist tirade from Nick Turner who referred in racist terms to people who don't bath dressed in the way that you and I might be dressed for bathing because of the demands of their religion. There was also some sort of comment about people from certain racial backgrounds and floating. I don't recall what he said or who it was about, but I do recall that, once again, his remarks were racist. That stuck with me. He also said something derogatory about the Germans, though again I don't recall the detail and can't remember how we got onto the subject of the Germans. These kinds of remarks are typical of his attitude. He showed himself to be a racist as far as I am concerned.

"It doesn't matter how much the Group has achieved. This kind of behaviour is very bad for the reputation of the SIG and is simply going to turn people off coming to the meetings. I myself, who am a great supporter of the work of the Group, would not want to be associated with it if that kind of behaviour was allowed to persist."

Discussion ended at 2.30pm