

Annexe 5 – Statements provided by the Independent Person Mr William Donnelly

Statement provided by email by Independent Person on 13 December 2021:

Dear Robin,

Further to our informal conversation on zoom today, I promised to let you have a copy of the key points that I raised :-

1. The words used in themselves might not be regarded as overly offensive to many people, by today's common standards, but in the wider background and context of Cllr Hyman's past, it is another sign of poor public conduct of a representative of the Council under the Council's own regulations, and very disrespectful toward a senior officer of the Council and to the others present, and hence not at all "trivial".

2. Cllr Hyman has apologised for the fact that he left his zoom microphone on, but not for the words or intent of his utterance.

3. He continues to disparage the Council's complaints process by failing to engage with your attempted communications with him, finally calling them a "waste of time".

4. He has by his own inaction caused the process to take a lot more than the 30 days recommended - but that has not been for lack of attempts on your behalf to involve him, or to give him further opportunities to redress his behaviour by making a more fulsome apology to those involved.

5. In a wider context, the Mayor, Cllr Robini has properly "challenged poor behaviour" as the Code on Leadership requires - but it might have been better for someone other than a person holding the Mayoral role to make the actual complaint - the issue was not at all to do with the Mayoralty itself.

6. Similarly, you might yourself consider the degree to which you might have been seen as not wholly an independent judge of the situation given your role in the disciplining of Cllr Hyman for his behaviour in the past - although all your recent communications and statements all demonstrate fully the impartiality with which you have conducted your role.

Altogether, it would seem that without a proper apology **for the actual words used**, and some sense of regret and sorrow for their use in that Council context, the Complaint stands the test for further Investigation.

You or the appointed Investigating Officer might offer Cllr Hyman a very last opportunity to fully apologise to the Council and its CEO for his choice of words used on that occasion, (and not for the microphone lapse situation or the later failure to engage with the process to apologise for his words). You might even draft for him a set of apologetic words that would meet the Council's standards.

Failing such an apology, the matter should be thoroughly investigated with whatever consequences that process might engender.

I hope you found my comments helpful.

Best Regards

Bill Donnelly

Independent Person

Statement provided by email by Independent Person on 5 May 2022:

Dear Robin

Strictly Confidential

Many thanks for giving me the opportunity, as the prescribed Independent Person, to review the Report from the Investigation into a Complaint by Cllr John Robini against Cllr Jerry Hyman of Waverley Borough Council, prepared by Mr Richard Lingard LLB, the appointed Independent Investigator.

I found the Report to be concise and clear, in so far as the parties had informed and cooperated with the Investigation.

It concluded that the incident described had, without an apology for the words used at the time but only for the misuse of the microphone equipment, represented a breach of the Council's Code of Conduct. Cllr Hyman had continued to absent himself from the investigative process and declined to make a full apology for the intemperate words he had used, allegedly in response to the CEO's presentation.

I can see no evidence therefore to suggest that there was anything other than an abuse of the Waverley Borough Council Code of Conduct, which all councillors have signed up to and are fully aware of.

Without a last ditch fulsome apology, I believe that the Council has no alternative but to conduct a Public Hearing into Cllr Hyman's action on that occasion.

I would also ask that the hearing take full account of the attitude of non-cooperation shown by Cllr Hyman during the Investigation, and the slurs he has made upon the investigative process itself - indeed, I feel that his own recalcitrant approach in the later handling of this matter has itself caused the process to be unnecessarily lengthy and time consuming for all concerned and not a welcome example to your voting public of the cost-effective use of Council resources.

I would therefore support the notion that Cllr Hyman should be subject to a Public Hearing to be held by Waverly Borough Council, concerning the alleged incident on 18th August 2021.

Best Regards

William A Donnelly

Independent Person