

## Minutes

**Standards Committee Hearing Sub-Committee**  
**Tuesday, 13 December 2011**  
**Meeting held at Committee Room 4a - Civic**  
**Centre, High Street, Uxbridge UB8 1UW**



**Published on: 13 December 2011**  
**Come into effect on: Immediately**

**Present:** Allan Edwards (Chairman), Councillors Corthorne and Lewis

**Officers Present:** Messrs Alagh and White

**Also Present:** Tim Revell (Independent Investigator)

### **9. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Khursheed. There was no substitute

### **10. DECLARATIONS OF INTEREST**

There were no Declarations of Interest

### **11. HEARING INTO COMPLAINT OF ALLEGED BREACH OF MEMBERS' CODE OF CONDUCT.**

**FULL WRITTEN DECISION OF THE HEARINGS SUB-COMMITTEE**  
**DATED 13 DECEMBER 2011**

**THE LONDON BOROUGH OF HILLINGDON**

**SUBJECT MEMBER:** Councillor Anita MacDonald (not present)

**COMPLAINANT:** Councillor Janet Duncan (not present)

**CHAIRMAN OF THE SUB-COMMITTEE:** Allan Edwards [Independent Member]

**OTHER MEMBERS OF THE SUB-COMMITTEE:** Councillor Phillip Corthorne,  
Councillor Richard Lewis

**MONITORING OFFICER:** Raj Alagh

**INDEPENDENT INVESTIGATOR:** Tim Revell – Date of investigation report 17 October 2011

**CLERK TO THE HEARING:** Lloyd White

1. The London Borough of Hillingdon's Hearings Sub-Committee met on 13 December 2011 for the purpose of hearing a complaint made by Councillor Janet Duncan against Councillor Anita MacDonald that she had breached the Members' Code of Conduct ('The Code') which she had undertaken in writing to observe.
2. The particulars of the allegation, as summarised, are that, during the course of an exchange of email correspondence with Councillor Duncan, Councillor MacDonald made a libellous and untrue statement about her and also about a former Labour Group Leader, Rod Marshall, which she copied to all the Labour Councillors and the Labour Group Secretariat. Following the issue of a statement of denial by Councillor Duncan, Councillor MacDonald responded with an even more vicious, unprovoked attack on Councillor Duncan in an email which she also copied to all Labour Group Councillors and the Labour Group Secretariat.
3. Mr Revell, the investigator, decided not to call any witnesses.
4. Councillor MacDonald declined to attend the Hearing. She was not represented and decided not to call any witnesses.
5. Mr Revell referred to his findings and conclusions, as set out in his investigation report, and submitted that Councillor MacDonald, had on the balance of probabilities breached the Code of Conduct by sending two inappropriate emails dated 22 and 23 June 2011 respectively to Councillor Duncan and copying them to all other Members of the Labour Group and the Labour Group Secretariat. In Mr Revell's view Councillor MacDonald had breached paragraphs 3(1), 3(2)(b) and 5 of the Code.
6. Paragraph 3(1) provides that "You must treat others with respect"; Paragraph 3(2)(b) provides that "You must not bully any person"; Paragraph 5 provides that "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."
7. After considering the evidence set out in Mr Revell's report and his oral representations carefully, the Members of the Sub-Committee accepted the findings of fact set out in the report and they also made the following additional findings:
  - that Councillor MacDonald had sent an email of apology to Councillor Duncan dated 11 October 2011 but that this apology had not withdrawn the allegations set out in the emails of 22 and 23 June 2011 or apologised for the sending of them in the first place.

- that Councillor MacDonald had shown remorse for her actions but had not withdrawn the comments made.
8. The Members of the Sub-Committee decided, by a majority, that Councillor MacDonald had, on the balance of probabilities, contravened paragraphs 3(1), 3(2)(b) and 5 of the Code.
  9. The Members of the Sub-Committee noted that a further email dated 9 December 2011 had been sent by Councillor MacDonald to the Head of Democratic Services purporting to apologise for her actions. In addition the Sub-Committee considered representations from the Independent Investigator and sought advice from the Monitoring Officer as to any aggravating and mitigating circumstances before deciding what sanctions, if any, to impose on Councillor MacDonald.
  10. The Members of the Sub-Committee decided the following:
    - That, in respect of the breach of paragraph 3 (2)(b) of the Code, Councillor MacDonald be suspended as a Member of the London Borough of Hillingdon forthwith for a period of one month and that her basic allowance should be withdrawn for this period.
    - That, in respect of the breaches of paragraphs 3(1) and 5 of the Code, Councillor MacDonald issue forthwith a written apology to all Hillingdon Councillors, with the terms of the apology being finally approved by the Chairman of the Sub-Committee. For the avoidance of doubt it should contain:
      - a) an apology for the two emails dated 22 and 23 June 2011 being sent to Councillor Duncan;
      - b) an apology for the inappropriate language used in the two emails;
      - c) an apology for alleging that Councillor Duncan is corrupt in the email dated 23 June 2011.
  11. Councillor MacDonald has the right to seek permission to appeal against the Sub-Committee's decision to the Principal of the First Tier Tribunal within 21 days of this decision.

Raj Alagh  
Borough Solicitor and Monitoring Officer  
13 December 2011.