



HILLINGDON  
LONDON



# Standards Committee Hearing Sub-Committee

Allan Edwards, (Chairman)  
Councillors Corthorne, Khursheed,  
and Lewis

**Date:** TUESDAY, 13 DECEMBER  
2011

**Time:** 10.00 AM

**Venue:** COMMITTEE ROOM 4A -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

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# Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Hearing Into Complaint of alleged breach of Members' Code of Conduct.

## **PRE HEARING SUMMARY**

1. The London Borough of Hillingdon's Standards Committee, Hearings Sub-Committee will meet on **13 December 2011 at 10am in Committee Room 4a, Civic Centre, Uxbridge** to hear an allegation made by Councillor Janet Duncan that Councillor Anita MacDonald (the Subject Member) has contravened paragraphs 3(1), 3(2)(b) and 5 of the Members' Code of Conduct which she has undertaken in writing to observe.
2. The particulars of the allegation, as summarised, are that 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 Group Support Staff. Following the issue of a statement of denial by Councillor Duncan Councillor MacDonald responded with a further attack on Councillor Duncan.
3. 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."
4. The membership of the Hearings Sub-Committee is as indicated on the front of this agenda.
5. The Monitoring Officer is Raj Alagh. The Deputy Monitoring Officer and clerk to the Sub-Committee is Lloyd White.
6. The Independent Investigator appointed by the Monitoring Officer is Mr Tim Revell who will be present at the hearing.
7. Councillor MacDonald has indicated that she will not be present at the hearing and will not be represented.
8. The Subject Member and the investigator have both indicated that they are happy for the proceedings to be held in public.
9. **Procedure** – a procedure for the hearing is attached commencing at page 1.
10. **Witnesses** – the Subject Member and the investigator have both indicated that they will not be calling any witnesses.
11. **Findings of Fact** – A summary of the agreed and disagreed findings of fact is attached
12. **Independent Investigator's report and appendices** – attached commencing at page 13.

13. **Subject Member's response** – attached at page 5



# Agenda Item 3

## **HEARING PROCEDURES FOR THE HEARINGS SUB-COMMITTEE**

### **Representation**

1. The Subject Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Sub-Committee, another person.

### **Legal advice**

2. The Sub-Committee may take legal advice from its legal advisor at any time during the hearing or while it is considering the outcome. The substance of any legal advice given to the committee should be shared with the Subject Member and the investigator if they are present.

### **Setting the scene**

3. After all the Members and everyone involved have been formally introduced, the Chairman should explain how the Sub-Committee is going to run the hearing.

### **Preliminary procedural issues**

4. The Sub-Committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

### **Making findings of fact**

5. After dealing with any preliminary issues, the Sub-Committee should then move on to consider whether or not there are any significant disagreements about the facts contained in the investigator's report.
6. If there is no disagreement about the facts, the Sub-Committee can move on to the next stage of the hearing.
7. If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Sub-Committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The Sub-Committee may give the Subject Member an opportunity to challenge any evidence put forward by any witness called by the investigator.
8. The Subject Member should then have the opportunity to make representations to support his or her version of the facts and, with the Sub-Committee's permission, to call any necessary witnesses to give evidence.
9. At any time, the Sub-Committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the Subject Member.

## **HEARING PROCEDURES FOR THE HEARINGS SUB-COMMITTEE**

10. If the Subject Member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
11. If the Subject Member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Sub-Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Subject Member's explanation for not raising the issue at an earlier stage, the Sub-Committee may then:
  - a. continue with the hearing, relying on the information in the investigator's report;
  - b. allow the Subject Member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary; or
  - c. postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if he or she is not already.
12. The Sub-Committee will usually move to another room or ask the room to be vacated, to consider the representations and evidence in private.
13. On their return, the Chairman will announce the Sub-Committee's findings of fact.

### **Did the Subject Member fail to follow the Code?**

14. The Sub-Committee then needs to consider whether or not, based on the facts it has found, the Subject Member has failed to follow the Code of Conduct.
15. The Subject Member should be invited to give relevant reasons why the Sub-Committee should not decide that he or she has failed to follow the Code.
16. The Sub-Committee should then consider any verbal or written representations from the investigator.
17. The Sub-Committee may, at any time, question anyone involved on any point they raise in their representations.
18. The Subject Member should be invited to make any final relevant points.
19. The Sub-Committee will then move to another room or ask the room to be vacated, to consider the representations.

## **HEARING PROCEDURES FOR THE HEARINGS SUB-COMMITTEE**

20. On their return, the Chairman will announce the Sub-Committee's decision as to whether or not the Subject Member has failed to follow the Code of Conduct.

### **If the Subject Member has not failed to follow the Code of Conduct**

21. If the Sub-Committee decides that the Subject Member has not failed to follow the Code of Conduct, the Sub-Committee can move on to consider whether it should make any recommendations to the authority.

### **If the Subject Member has failed to follow the Code**

22. If the Sub-Committee decides that the Subject Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigator and the Subject Member as to:
  - a. whether or not the Sub-Committee should set a penalty; and
  - b. what form any penalty should take.
23. The Sub-Committee may question the investigator and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
24. The Sub-Committee will then move to another room or ask the room to be vacated, to consider whether or not to impose a penalty on the Subject Member and, if so, what the penalty should be.
25. On their return, the Chairman will announce the Sub-Committee's decision.

### **Recommendations to the authority**

26. After considering any verbal or written representations from the investigator, the Sub-Committee will consider whether or not it should make any representations to the authority, with a view to promoting high standards of conduct among Members.

### **The written decision**

27. The Sub-Committee will announce its decision on the day whenever it is practicable to do so and provide a short written decision on that day. It will also need to issue a full written decision shortly after the end of the hearing. It is good practice to prepare a full written decision in draft on the day of the hearing, before people's memories fade.

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**Councillor MacDonald Pre Hearing submission.** (typed from original hand written and signed copy)

**Arrangements for the Hearings Sub-Committee hearing**

Please tick the relevant boxes.

1	<p>Are you planning to attend the Hearings Sub-committee hearing on the proposed date in the accompanying letter (13 December 2011)?</p> <p>If 'No', please explain why.</p>	<p>No <input type="checkbox"/></p>	<p>Reason: I have to work, and my GCSE class have important exams, so I need to teach them. They are all 16 year old boys who will need employment soon.</p>
2	<p>Are you going to present your own case?</p>	<p>No <input type="checkbox"/></p>	
3	<p>If you are not presenting your own case, will a representative present it for you?</p> <p>If 'Yes', please state the name of your representative.</p>	<p>No <input type="checkbox"/></p>	<p>Name:</p>
4	<p>Is your representative a practising solicitor or barrister?</p> <p>If 'Yes', please give their legal qualifications. Then go to Question 6.</p> <p>If 'No' please go to Question 5.</p>	<p>No <input type="checkbox"/></p>	<p>Qualifications:</p>

5	<p>Does your representative have any connection with your case?</p> <p>If 'Yes', please give details.</p>	<p>No <input type="checkbox"/></p>	<p>Details:</p>
6	<p>Are you going to call any witnesses?</p> <p>If 'Yes', please fill in the next form with details.</p>	<p>No <input type="checkbox"/></p>	
7	<p>Do you, your representative or your witnesses have any access difficulties? For example, is wheelchair access needed?</p> <p>If 'Yes', please give details.</p>	<p>No <input type="checkbox"/></p>	<p>Details:</p>
8	<p>Do you, your representative or witnesses have any special needs? For example, is an interpreter needed?</p> <p>If 'Yes' please give details</p>	<p>No <input type="checkbox"/></p>	<p>Details:</p>
9	<p>Do you want any part of the hearing to be held in private?</p> <p>If 'Yes', please give reasons.</p>	<p>No <input type="checkbox"/></p>	<p>Reasons:</p>

10	<p>Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p>	<p>No <input type="checkbox"/></p>	<p>Reasons:</p>
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**Response to the evidence set out in the Independent Investigator's report:**

Please enter the page and paragraph number in the report where you disagree with the findings of fact only and give reasons and your suggested alternative.

Page and paragraph number	Reasons for disagreeing with the findings of fact in the paragraph	Suggestions as to how the paragraph should read:

## Other evidence relevant to the complaint:

Please set out below any other evidence you feel is relevant to the complaint made about you:

Paragraph number	Details of the evidence:
1	<p>I have apologised for any offence caused, and hope that will be accepted. I do not wish to defend myself, as it would further damage the Labour Party if I did.</p> <p>This case should have gone through internal Labour party channels, so I wish to mitigate against further damage by saying nothing further, except to plead for mitigation, as I have apologised.</p>
2	
3	
4	
5	
6	



**Representations to be taken into account if a Member is found to have failed to follow the Code of Conduct:**

Please set out below, using the numbered paragraphs, any factors that the Hearings Sub-Committee should take into account if it finds that you have failed to follow the Code of Conduct. *Please note that no such finding has been made yet.*

<b>Paragraph number</b>	<b>Factors for the Hearings Sub-Committee to take into account when deciding whether to sanction any censure, restriction of resources or allowances, suspension or partial suspension</b>
1	
2	
3	
4	
5	
6	

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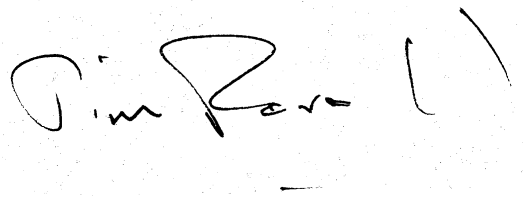
## Independent Investigator Pre Hearing submission.

### Arrangements for the Hearings Sub-Committee hearing

Please tick the relevant boxes.

1	Are you planning to attend the Hearings Sub-committee hearing on the proposed date in the accompanying letter?  If 'No', please explain why.	Yes <input type="checkbox"/>	Reason:
2	Are you going to call any witnesses?  If 'Yes', please fill in the next form with details.	No <input type="checkbox"/> ✓	
3	Do you or your witnesses have any access difficulties? For example, is wheelchair access needed?  If 'Yes', please give details.	No <input type="checkbox"/> ✓	Details:
4	Do you, your representative or witnesses have any special needs?  For example, is an interpreter needed?  If 'Yes' please give details	No <input type="checkbox"/> ✓	Details:

5	Do you want any part of the hearing to be held in private?  If 'Yes', please give reasons.	No <input type="checkbox"/> ✓	Reasons:
6	Do you want any part of the relevant documents to be withheld from public inspection?  If 'Yes', please give reasons.	Yes <input type="checkbox"/> ✓	Reasons: The signatures on the interview notes & on my report should be removed before they come into the public domain to prevent copying & potential fraudulent use. I will bring the original documents to the hearing so that the sub-committee can inspect them if there are any questions as to authenticity.



Signed: .....

Dated: .....3<sup>rd</sup> November 2011

**Subsequent email received 21 November following notification of Subject Member's Pre-Hearing submission:**

I have looked through Cllr MacDonald's responses on the pre-hearing questionnaire and have no comments on them. I would, however, observe that the apology referred to which is in paragraph 7.1 of my report relates to any offence caused by her e-mail rather than to the fact that the e-mail was sent at all. I don't think that I am being unnecessarily pedantic in commenting on the nature of the apology given which is consistent with recent apologies by politicians where the apology is for any offence caused rather than for the act itself.

Regards

Tim

Tim Revell  
Investigator

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**Report of an investigation under section 59 of the Local Government Act 2000 by Tim Revell appointed by the Monitoring Officer for the London Borough of Hillingdon into an allegation concerning Councillor Anita MacDonald.**

**DATE: 17<sup>th</sup> October 2011**

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### Contents

- 1 **Executive summary**
- 2 **Councillor MacDonald's details**
- 3 **The relevant legislation and protocols**
- 4 **The evidence gathered**
- 5 **Background**
- 6 **Reasoning as to whether there have been failures to comply with the Code of Conduct**
- 7 **Representations on the draft report**
- 8 **Finding**

**Appendix A          Schedule of evidence taken into account**

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### 1 Executive summary

1.1 It is alleged that Councillor MacDonald's conduct in an exchange of e-mails with Councillor Duncan constituted a breach of paragraphs 3(1), 3(2)(b) and 5 of the Members' Code of Conduct in that specifically:

- she engaged in a course of e-mail correspondence with Councillor Duncan during which she made a libellous and untrue statement about her and also a former Labour Group Leader, Rod Marshall, which she copies to all Labour councillors and the Labour Secretariat thus involving officers and the whole group in a matter which she regarded as confidential;
- furthermore, following the issuing of a statement of denial by Councillor Duncan, Councillor MacDonald responded with an even more vicious, unprovoked attack on her in an e-mail dated 23<sup>rd</sup> June 2011 which Councillor MacDonald copied to all Labour councillors and the Labour Secretariat.

1.2 The outcome of the investigation is that while engaged in an official capacity Councillor MacDonald breached paragraphs 3(1), 3(2)(b) and 5 of the Members' Code of Conduct.

### 2 Councillor MacDonald's official details

2.1 Councillor MacDonald was first elected to Hillingdon Council in 2006 and was re-elected on 6<sup>th</sup> May 2010 for a further term of four years. She was Deputy Leader of the Labour group from the elections in 2010 until 3<sup>rd</sup> May 2011. She was a member of the Standards (Assessment) Sub-Committee in 2010/11 attending four meetings. Councillor MacDonald gave a written undertaking to observe the Code of Conduct on 6<sup>th</sup> May 2010

2.2 Councillor MacDonald attended a training session on the current Members' Code of Conduct on 6<sup>th</sup> October 2010.

### 3 The relevant legislation and protocols

3.1 The Council at its meeting on 28<sup>th</sup> June 2007 adopted a Code of Conduct (the Code) pursuant to the Local Authorities (Model Code of Conduct) Order 2007. The following paragraphs are included:

- 3(1) you must treat others with respect;
- 3(2) (b) you must not bully any person
- 5 you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute

## PRIVATE AND CONFIDENTIAL

### 4 The evidence gathered

4.1 I have taken account of oral evidence from the complainant, Councillor Duncan, from the subject member, Councillor MacDonald and from the following witnesses:

- Councillor Lynne Allen, member of the Labour group
- Councillor David Allam, member of the Labour group
- Councillor Peter Curling, member of the Labour group

4.2 The witnesses interviewed were those suggested by either the complainant or the subject member. I did not interview two of the individuals proposed by Councillor MacDonald as the information it was suggested they could provide was not in my view relevant to this investigation. I have relied only on the signed notes of the interviews with these witnesses in taking account of the oral evidence given to me. These notes are attached in Appendix A (documents 008, 009, 011, 012, 013 & 014) to this report.

4.3 I have also taken account of documentary evidence obtained from the Monitoring Officer. This is the report and appendices considered by the Assessment Sub-Committee on 14<sup>th</sup> July 2011, the written summary of the Sub-Committee's consideration and correspondence between the Monitoring Officer, the complainant and the subject member. The other documents I have had regard to in dealing with the matter are the additional statement from Councillor Duncan dated 10<sup>th</sup> September 2011 (document 010), Councillor MacDonald's initial response to me sent on 29<sup>th</sup> July 2011 (document 006) and Councillor Duncan's note of a conversation with Councillor Gilham (document 017).

### 5 Background

5.1 Councillors Duncan and MacDonald are both members of the Labour group at Hillingdon and have been political colleagues since Councillor MacDonald's election in 2006, Councillor Duncan having previously first been elected in 2002. Interviews with both parties indicated that initially their relationship was constructive and congenial but over time it deteriorated. Following the May 2010 elections Councillor MacDonald was elected Deputy Leader of the Labour Group and relations deteriorated further. Both parties agree that there were two key issues behind this adding to the tensions between them.

5.2 The first issue concerned the operation of the Labour group fund whose purpose was to support the work of the group in campaigning, publicity and administration. The fund was financed by contributions from members of the group. Councillor MacDonald challenged the way in which the fund had operated expressing particular concerns about the apparent lack of audited accounts for the period 2006 to 2010 and the use of cash payments to staff. Councillor Duncan believed that all payments had been made legitimately and that Councillor MacDonald was attempting to damage the reputation of Councillor Harmsworth, Councillor Duncan's partner, who as Chief Whip from 2006 to 2010 was responsible for the fund. Both parties expressed the view



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that the manner in which the other party conducted themselves during this period amounted to bullying.

- 5.3 The second issue concerned Councillor Garg who became Chief Whip in May 2010 and had also been a Labour party parliamentary candidate in May 2010. In July/August 2010 an allegation was made that Councillor Garg had previously accepted a police caution for an incident of domestic violence that he had not declared during the Labour party's parliamentary selection process. He was suspended from the Labour group pending an investigation by the Labour party. Councillor MacDonald was seen as sympathetic to Councillor Garg's position while Councillor Duncan was not.
- 5.4 Both Councillors Duncan and MacDonald suggested that the other had an ulterior motive in pursuing the differences between them. Councillor Duncan suggested that Councillor MacDonald wished to discredit her and also Councillor Harmsworth through the allegations about the Labour group fund as they would be giving evidence against Councillor Garg. Councillor MacDonald believed that the allegation against Councillor Garg and the hostility towards her were caused by their questions about the operation of the Labour group fund and were intended to deflect them from the inquiries they were pursuing. Councillor MacDonald also alleged that Councillor Duncan initiated this complaint to delay an investigation by the Labour party into the operation of the Labour group fund.
- 5.5 The preceding paragraphs set out the context that gave rise to an exchange of e-mails and a subsequent complaint to the standards committee. However, while understanding the context of any complaint is important this is not an investigation into those matters which is for the Labour party to resolve. I will only be taking a view on those allegations referred for investigation by the Assessment Sub-Committee.

## **6 Reasoning as to whether there have been failures to comply with the Code of Conduct**

- 6.1 Before considering each of the alleged breaches of the Code the nature of the evidence needs to be considered. The most significant pieces of evidence are the series of e-mails between Councillors Duncan and MacDonald (document 001). In particular the e-mails at appendices 5 and 9 contain the statements by Councillor MacDonald that gave rise to the complaint. Councillor MacDonald has confirmed that she sent these e-mails to Councillor Duncan and that she intended to copy them to all members of the Labour group as she thought that they should be aware of the issues raised. The e-mails were also copied to the staff in the Labour group secretariat. Councillor MacDonald indicated that this was not intended and apologised for this in her response to the Assessment Sub-Committee. When interviewed Councillor MacDonald said that she regretted sending the e-mails and the language used in them but was angry at the situation and wanted to confront the issue head on (document 013).

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6.2 The first alleged breach of the Code concerns paragraph 3(1) requiring members to treat others with respect. Guidance on the Code<sup>1</sup> from Standards for England (SfE) makes a clear distinction between robust discussion and criticism of the views of others on the one hand and unreasonable or excessive personal attack on the other. Expressing strong views about the operation of the Labour group fund to a political colleague would normally be regarded as coming within the definition of robust political discourse which is inherent in democratic politics. However, the use by Councillor MacDonald of the phrase in the e-mail of 22<sup>nd</sup> June,

*“To which that member replied to you that you did it during the time that Rod Marshall was the Leader, as you considered it to be his personal slush fund. I consider the same to be the case now.”*

and subsequently in the e-mail of 23<sup>rd</sup> June,

*“Of course I will apologise, right after you apologise for spreading libellous gossip about me before the AGM, in order to reinstate the person you sleep with.”*

go beyond this and are aimed at the person and their personal characteristics. They also allege corrupt practice on the part of Councillor Duncan which is a very serious allegation to make. To compound this e-mails were copied to all Labour councillors and the staff in the group secretariat. I therefore conclude that this use of language by Councillor MacDonald amounts to a breach of paragraph 3(1) of the Code of Conduct.

6.3 The second alleged breach of the Code concerns paragraph 3(2) (b) requiring members not to bully any person. SfE has characterised bullying as offensive, intimidating, malicious, insulting or humiliating behaviour which may happen once or be part of a pattern of behaviour. However, although this part of the Code does not prevent legitimate challenge or discussion if criticism is a personal attack or of an offensive nature it is likely to cross the line of what is acceptable behaviour. In considering whether bullying has occurred it is necessary to have some objective evidence rather than just the subjective opinion of the person alleging the bullying. One of the examples of suitable evidence given by SfE<sup>2</sup> is the circulation of inappropriate e-mails critical of a fellow member. It is difficult to come to any other conclusion but that the phrases from the e-mails of 22<sup>nd</sup> & 23<sup>rd</sup> June quoted in paragraph 6.2 above constitute a personal attack of an offensive nature. This conclusion is supported by the circulation of the e-mails to all Labour councillors and the staff in the group secretariat. I therefore conclude that this use of language by Councillor MacDonald in these e-mails amounts to a breach of paragraph 3(2) (b) of the Code of Conduct.

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<sup>1</sup> The Code of Conduct Guide for Members May 2007

<sup>2</sup>

<http://www.standardsforengland.gov.uk/CaseinformationReporting/OnlineCaseReview2010/Paragraph3/Paragraph32b/QandA/>

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6.4 The third alleged breach of the Code concerns paragraph 5 requiring that members do not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. There does not have to be any criminal activity for this paragraph to be engaged and activity which brings the honesty and integrity of a member into question could be sufficient. The key test is whether a member's conduct 'could reasonably be regarded' by an objective observer as bringing their office or authority into disrepute. SfE<sup>3</sup> define such conduct as:

- reducing the public's confidence in that member being able to fulfil their role; or
- adversely affecting the reputation of members generally, in being able to fulfil their role.

6.5 Breaches of other paragraphs of the Code could, depending on the circumstances, meet the test for a breach of this paragraph. I have found that Councillor MacDonald's actions amounted to both lack of respect (paragraph 3[1]) and bullying (paragraph 3[2] [b]). I believe that an objective observer would regard the use of such language as reducing the public's confidence in both Councillors Duncan and MacDonald being able to fulfil their role. I therefore conclude that the circulation of these e-mails by Councillor MacDonald in these e-mails amounts to a breach of paragraph 5 of the Code of Conduct.

## 7 Representations on the draft report

7.1 The draft report was sent to the complainant and the subject member on 1<sup>st</sup> October 2011 inviting comments by 14<sup>th</sup> October 2011. On 13<sup>th</sup> October Councillor MacDonald advised me that she had written to Councillor Duncan in the following terms;

*"Dear Janet,*

*Re: Standards Hearing*

*Further to Tim Revell's recent investigation, I would like to offer my apology for any offence or upset I caused you in my angry, hasty and ill-thought out email.*

*I understand you were hurt by it, and I would really like to apologise for any offence caused and draw a line under it so we can all move on as a group.*

---

3

<http://www.standardsforengland.gov.uk/CaseinformationReporting/OnlineCaseReview2010/Paragaph5/QandA/>

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*I would also like to save the Group further embarrassment by the long drawn out process of another standards hearing and our internal affairs being heard in public.*

*Please do accept my apology in the spirit in which it is intended.*

*Kind regards*

**Anita MacDonald”**

7.2 Councillor Duncan responded;

*“Dear Anita*

*Thank you for your e-mail.*

*I appreciate your message but as matters are at an advanced stage of the Standards process I consider this should be allowed to conclude and therefore do not wish to comment any further at this stage.*

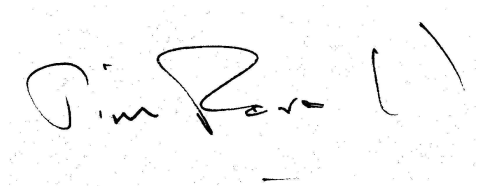
*Kind Regards*

*Janet”*

7.3 I have made no amendment to my findings as a result of the comments made.

**8 Finding**

8.1 I find that while engaged in an official capacity Councillor MacDonald breached paragraphs 3(1), 3(2)(b) and 5 of the Members’ Code of Conduct and recommend that a meeting of the Hearing Sub-Committee be convened to consider the matter.



Tim Revell  
Investigator

17th October 2011

# Appendix A

## London Borough of Hillingdon Members' Code of Conduct – Investigator's report on complaint against Councillor Anita MacDonald

### Schedule of evidence taken into account

#### Core documents

Doc No	Description	Pages
001	Report & appendices considered by Assessment Sub-Committee on 14 <sup>th</sup> July 2011	11-39
002	Written summary of the Assessment Sub-Committee's consideration of the allegation.	40-42

#### Notes of telephone conversations, letters, and interviews with witnesses

Doc No	Description	Pages
003	Initial contact letter from investigator to subject member dated 21 <sup>st</sup> July 2011	43-44
004	Initial contact letter from investigator to complainant dated 21 <sup>st</sup> July 2011	45-46
005	File note dated 27 <sup>th</sup> July 2011 of telephone conversation between the investigator and the complainant	47
006	Letter from subject member to investigator sent on 29 <sup>th</sup> July 2011 giving her initial response to the allegations	48-51
007	Letter from investigator to complainant, subject member and witnesses setting out interview arrangements	52-53
008	Signed note of investigator's interview with Councillor Duncan on 8 <sup>th</sup> August 2011	54-57
009	Signed note of investigator's interview with Councillor Duncan on 15 <sup>th</sup> August 2011	58-59
010	Signed statement from councillor Duncan dated 10 <sup>th</sup> September 2011	60-63
011	Signed note of investigator's interview with Councillor Allam on 15 <sup>th</sup> August 2011	64
012	Signed note of investigator's interview with Councillor Curling on 15 <sup>th</sup> August 2011	65
013	Signed note of investigator's interview with Councillor MacDonald on 18 <sup>th</sup> August 2011	66-67
014	Signed note of investigator's interview with Councillor Allen on 23 <sup>rd</sup> August 2011	68

## PRIVATE AND CONFIDENTIAL

### Minutes of meetings and other documentary evidence

Doc No	Description	Pages
015	Declaration of Acceptance of Office signed by Councillor MacDonald on 6 <sup>th</sup> May 2010.	69
016	London Borough of Hillingdon Members' Code of Conduct.	70-78
017	Note made by Councillor Duncan of conversation with Councillor Gilham on 28 <sup>th</sup> June 2011	79

### Unused evidence

Borough Solicitor's letters of 15<sup>th</sup> July 2011 to Councillors Duncan and MacDonald advising that the Assessment Sub-Committee had asked that an independent investigation should be undertaken into the complaint

Letter dated 27<sup>th</sup> June 2011 from NEMS to Councillor Khursheed about the Labour group fund audit 2010/11

Letter dated 21<sup>st</sup> July to Councillor Duncan about the group fund office cash float

Draft constitution of the Hillingdon Labour Group Fund

Note of interview with Mrs Brooklyn on 18<sup>th</sup> August 2011.

Statement made by Mrs Brooklyn dated 19<sup>th</sup> August 2011

Post interview letters to witnesses enclosing agreed witness statements for signature

### 3. Your details

Please provide us with your name and contact details. **Please note** that your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Council Member(s) you are complaining about.
- the Monitoring Officer and Deputy Monitoring Officer of the Council.

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about this information being released then please complete section 5 of this form.

<b>Title:</b>	COUNCILLOR
<b>First name:</b>	JANET
<b>Last name:</b>	DUNCAN
<b>Address:</b>	LABOUR GROUP OFFICE L.B. HILLINGDON CIVIC CENTRE HIGH STREET UXBRIDGE UB8 1UW
<b>Daytime telephone:</b>	01895 250780
<b>Evening telephone:</b>	01895 230992
<b>Mobile telephone:</b>	
<b>Email address:</b>	JDuncan2@hillingdon.gov.uk

Please tell us which describes you best:

- Member of the public
- An elected or co-opted Member of a local authority
- An independent member of the standards committee
- Member of Parliament
- Local authority Monitoring Officer
- Other council officer or authority employee
- Other (        )

**4. Your Complaint**

**Please provide us with the name of the Council Member(s) you believe have breached the Code of Conduct.**

Title	First name	Last name
CLLR	ANITA	MACDONALD

Please explain in the next section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.



It is important that you provide all the information you wish to have taken into account when consideration is given to any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged mis-conduct and provide their names and contact details if possible.
- You should provide any relevant background information or supporting documentation.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

*PLEASE SEE SEPARATE STATEMENT  
AND APPENDICES ATTACHED.*

Statement by Councillor Janet Duncan of Details of Complaint

1. Councillor Khursheed, as Leader of the Labour Group, referred an e-mail to me on 21 June 2011 that he had received from Councillor Anita Macdonald which is self-explanatory (see Appendix 1).
2. I responded to Cllr Macdonald sending her a cheque by first class post on 21 June to minimise any delay (see Appendix 2).
3. Cllr Macdonald e-mailed back on 21 June raising the matter of her contributions to the Group Fund and the administration and use of Group Funds (see Appendix 3).
4. I also replied on 21 June setting out the situation regarding the matters she had raised (see Appendix 4).
5. I then received a response from Cllr MacDonald in which she made a libellous and untrue statement about me and also a former Labour Group Leader, Rod Marshall which she copied to all Labour councillors and the Labour Secretariat thus involving officers and the whole group in a matter I regarded as confidential (see Appendix 5).
6. Before I had seen it and responded Cllr Gardner queried whether Cllr Macdonald had included all Labour councillors by mistake (see Appendix 6).
7. Councillor Macdonald replied copying everyone in and making clear that she had deliberately sent the e-mail to the whole group (see Appendix 7).
8. I could not let such a libellous statement be made against myself or a former Labour Leader unchallenged and therefore had to issue a statement of denial which I sent to all Labour councillors (see Appendix 8).
9. Councillor MacDonald then responded with an even more vicious attack on me (see Appendix 9).
10. The attack on me was completely unprovoked as I was trying to help her. There is no truth in the accusations made against me and I have been shocked and sickened by the malice and viciousness of her attack.
11. I think Cllr MacDonald's behaviour is contrary to the Members' Code of Conduct particularly **Para 3 (1) You must treat others with respect**. Not only was I not treated with respect but I was subjected to a vicious, unprovoked attack.
12. Her behaviour was also contrary to Paragraph 3[2] [b] of the Code of Conduct which states that **You must not bully any person**. From the

training which I have received in relation to the Code, I understand that bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Furthermore, bullying behaviour attempts to undermine an individual. You will see from Councillor MacDonald's e-mails that she initiated the attack on me, that it was unprovoked, offensive and malicious and calculated to, not only intimidate me, but also to harm me personally and my good name and reputation within the Labour Group. I also feel that by copying two of her e-mails (see Appendices 5,7 and 9), to all Members of the Labour Group, Cllr MacDonald deliberately tried to undermine me, particularly as I hold the position of Chief Whip in the Group

13. I also consider that her behaviour is contrary to **Para 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.** Members are required to act in accordance with the ten general principles of public life which include honesty and respect for others. She has lied about me to all the members of the Labour Group and without any respect for me or them. Her behaviour and manner has been malicious and bullying and this is conduct which anyone would regard as bringing her office as a councillor into disrepute.
14. Cllr Macdonald was not re-elected as Deputy Leader at the Labour Group AGM in May and clearly she has had difficulty in coming to terms with this and is blaming all around her rather than looking at herself.
15. I have never been subjected to such treatment by anyone and very much regret that I have been forced into a position where I must bring this complaint against a member of my own group in order to protect not only myself but the standards in public life that I have strived to uphold both as a former officer and now as a councillor for almost 50 years.

Please see Appendices 1 to 9 attached. As Appendices 8 and 9 are difficult to read in such small text they have been copied into Word for ease of reading.

**Cllr Janet Duncan - Fwd: allowances**

---

**From:** Cllr Mo Khursheed  
**To:** Cllr Janet Duncan  
**Date:** 21/06/2011 13:32  
**Subject:** Fwd: allowances

---

For your action please.

Cheers,

Cllr Mohammed Khursheed  
Leader of the Opposition  
Labour Group Offices  
Phase 2  
Civic Centre  
Uxbridge  
UB8 1UW

Tel: 01895 250780  
Mob: 07956 361828  
Email: mkhursheed@hillingdon.gov.uk

>>> Anita MacDonald <anitamacdonald@live.co.uk> 15/06/2011 13:22 >>>  
Dear Mo,

Re: Drop in allowances

Please could the group reimburse me for the first 12 days of last month, and also for the £25 extra (or pro rata), charged to me in May by the group fund.

I am in the same situation as others who have gone before, my house is about to be repossessed, as my allowances have now halved. This is obviously not the group's problem, but I may have to move altogether in order to make ends meet, so it would be good if this could be settled quickly.

Thank you

Anita

**Cllr Janet Duncan - Re: allowances**

---

**From:** Cllr Janet Duncan  
**To:** Anita MacDonald; Cllr Mo Khursheed  
**Date:** 21/06/2011 14:35  
**Subject:** Re: allowances

---

Dear Anita

I am sorry to hear of the difficulties you are experiencing and hope they can be resolved for you soon.

I believe Payroll is sorting out the allowances payment for the first days of last month but I am happy to reimburse the £25 you paid into the Group Fund for May and will be sending you a cheque for this amount by today's post.

Kind Regards

Janet

>>> Anita MacDonald <anitamacdonald@live.co.uk> 15/06/2011 13:22 >>>  
Dear Mo,

Re: Drop in allowances

Please could the group reimburse me for the first 12 days of last month, and also for the £25 extra (or pro rata), charged to me in May by the group fund.

I am in the same situation as others who have gone before, my house is about to be repossessed, as my allowances have now halved. This is obviously not the group's problem, but I may have to move altogether in order to make ends meet, so it would be good if this could be settled quickly.

Thank you

Anita

APPENDIX 3

page 1 of 1  
PART II - STRICTLY NOT FOR PUBLICATION

**Cllr Janet Duncan - Re: allowances**

---

**From:** Anita MacDonald <anitamacdonald@live.co.uk>  
**To:** "Cllr Janet Duncan" <jduncan2@Hillingdon.Gov.UK>  
**Date:** 21/06/2011 15:59  
**Subject:** Re: allowances  
**CC:** <labourgrouppcouncillors@hillingdon.gov.uk>

---

Dear Janet,

Thanks for reimbursing the cheque for £25, it is much appreciated. I also mentioned to the Leader I would like to suspend paying the voluntary contribution into the group fund, but will continue to pay the mandatory ALC sub whatever percentage is necessary, please let me know.

My reasons for this have always been clear, although I only ever mentioned it to one person in confidence pre-May 2011.

I gather that then became part of the whispered campaign of criticism of me when in Post as Deputy Leader. Some group members may secretly sympathise with my position on this, as they do not see the group fund as being handled with transparency or care at present.

We need to see (not hear about) line by line group accounts as presented to the Inland Revenue, and we could start by delivering our own leaflets, ensuring that every penny in the fund is properly accounted for. It is also important that the group decides how to spend the fund, and that it is not treated as a slush fund.

Obviously I have always paid into the fund since my election in 2006, despite sometimes experiencing extreme hardship. Since then, I have never seen line by line accounts, and once I have seen a sum total of accounts in five years.

However, I consider that since we have a new executive, including yourself, perhaps they could have a closer look at the accounts and ensure everything is in order. After that, pending a positive health check by an external auditor, who does not know anyone on the group in person, I will be happy to recommence payments.

Kind regards

Anita MacDonald

**Cllr Janet Duncan - Re: allowances**

---

**From:** Cllr Janet Duncan  
**To:** Anita MacDonald  
**Date:** 21/06/2011 18:58  
**Subject:** Re: allowances

---

Dear Anita

Thank you for your message. The cheque has been sent with a first class stamp so hopefully you should receive it tomorrow.

Regarding contributions to the Group fund they are subject to Labour Party rules, as you may know, and we are all required to pay into the Group Fund at the rate agreed by the Group each year. This year the Group agreed to continue contributions at the same rate as last year as there has been no increase in allowances. They are not, therefore, voluntary contributions in the sense of being entirely at an individual member's discretion I'm afraid.

I have checked the situation with the Labour Party, who are getting back to me on this, to see if there has been any amendment to this rule. I will let you know what the position is as soon as I hear but would advise you not to cease contributions until we have this information.

I have not heard what your reasons for suspending payment may be and have not heard about them from anyone else.

I see that you would like the Group Fund to be audited by an external auditor and given a positive health check. The Group Fund has always been externally audited by an independent auditor agreed by the Group. I will ask the Group to agree that again this year but this time put the suggestion you make of it being someone not known to any Group member.

I will examine the Group Fund accounts and see that everything is in order both now and in future.

The Fund, when originally established, was used for many different purposes, including contributions to causes, individuals etc. until a constitution was drawn up and agreed by the Group. This restricted expenditure of the Group Fund for very limited proscribed purposes. Since the constitution was agreed the Group has always decided how it wishes to spend the money as a Group within these proscribed limits as far as I am aware.

Regarding the Group delivering leaflets we have done this in the past with mixed results. It would be a Group decision whether we do this or not again and you may wish to raise it as an item for discussion at a future Group meeting.

Kind Regards

Janet

>>> Anita MacDonald [anitamacdonald@live.co.uk](mailto:anitamacdonald@live.co.uk)> 21/06/2011 15:58 >>

Dear Janet,

Thanks for reimbursing the cheque for £25, it is much appreciated. I also mentioned to the Leader I would like to suspend paying the voluntary contribution into the group fund, but will continue to pay the mandatory ALC sub whatever percentage is necessary, please let me know.

My reasons for this have always been clear, although I only ever mentioned it to one person in confidence pre-May 2011.

I gather that then became part of the whispered campaign of criticism of me when in Post as Deputy Leader. Some group members may secretly sympathise with my position on this, as they do not see the group fund as being handled with transparency or care at present.

We need to see (not hear about) line by line group accounts as presented to the Inland Revenue, and we could start by delivering our own leaflets, ensuring that every penny in the fund is properly accounted for. It is also important that the group decides how to spend the fund, and that it is not treated as a slush fund.

Obviously I have always paid into the fund since my election in 2006, despite sometimes experiencing extreme hardship. Since then, I have never seen line by line accounts, and once I have seen a sum total of accounts in five years.

However, I consider that since we have a new executive, including yourself, perhaps they could have a closer look at the accounts and ensure everything is in order. After that, pending a positive health check by an external auditor, who does not know anyone on the group in person, I will be happy to recommence payments.

Kind regards

Anita MacDonald



**Cllr Janet Duncan - Re: allowances**

---

**From:** Anita MacDonald <anitamacdonald@live.co.uk>  
**To:** Cllr Janet Duncan <jduncan2@Hillingdon.Gov.UK>  
**Date:** 22/06/2011 09:44  
**Subject:** Re: allowances  
**CC:** <labourcouncillors@hillingdon.gov.uk>

---

Dear Janet,

Dear Janet,

Thank you for that message. I already checked with the Labour Party and they told me that only the ALC subs are compulsory, the group cannot make a decision on allowances given to an individual; they can only advise that certain contributions may be paid. Such contributions should be on an equal level, eg the Leaders contribution should be much greater, given the £32k per year allowance. Cde Curling already took this idea to the group, but it was put on the backburner.

Secondly, I was told by a member of the group that you spoke to them and others in the office about me threatening to suspend my payments to the group fund. (This was pre-agm, so you must have been told about it by the one person I had confided in. Then it was used against me.)

To which that member replied to you that you did it during the time that Rod Marshall was the Leader, as you considered it to be his personal slush fund. I consider the same to be the case now.

I would appreciate a telephone call with you to discuss further as there obviously is much you have not been made aware of.

Kind regards

On 21 Jun 2011, at 18:58, Cllr Janet Duncan wrote:

Dear Anita

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Regarding the Group delivering leaflets we have done this in the past with mixed results. It would be a Group decision whether we do this or not again and you may wish to raise it as an item for discussion at a future Group meeting.

Kind Regards

Janet

>>> Anita MacDonald [anitamacdonald@live.co.uk](mailto:anitamacdonald@live.co.uk) > 21/06/2011 15:58 >>

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Kind regards

Anita MacDonald

APPENDIX 6

**From:** Cllr Janet Gardner  
**To:** JDuncan2@Hillingdon.Gov.UK,anitamacdonald@live.co.uk  
**CC:** Labour Councillors@Hillingdon.Gov.UK  
**Date:** 22/06/2011 09:53  
**Subject:** Re: allowances

Dear Anita,  
I presume you copied us all in by mistake.  
Clearly this is an issue you have with the Chief Whip Janet Duncan, not the rest of the group.  
Janet Gardner.

>>> Anita MacDonald <anitamacdonald@live.co.uk> 22/06/11 9:44 AM >>>  
Dear Janet,

Dear Janet,

Thank you for that message. I already checked with the Labour Party and they told me that only the ALC subs are compulsory, the group cannot make a decision on allowances given to an individual; they can only advise that certain contributions may be paid. Such contributions should be on an equal level, eg the Leaders contribution should be much greater, given the £32k per year allowance. Cde Curling already took this idea to the group, but it was put on the backburner.

Secondly, I was told by a member of the group that you spoke to them and others in the office about me threatening to suspend my payments to the group fund. (This was pre-agm, so you must have been told about it by the one person I had confided in. Then it was used against me.)

To which that member replied to you that you did it during the time that Rod Marshall was the Leader, as you considered it to be his personal slush fund. I consider the same to be the case now.

I would appreciate a telephone call with you to discuss further as there obviously is much you have not been made aware of.

Kind regards

On 21 Jun 2011, at 18:58, Cllr Janet Duncan wrote:

> Dear Anita  
>  
> Thank you for your message. The cheque has been sent with a first class stamp so hopefully you should receive it tomorrow.  
>  
> Regarding contributions to the Group fund they are subject to Labour Party rules, as you may know, and we are all required to pay into the Group Fund at the rate agreed by the Group each year. This year the Group agreed to continue contributions at the same rate as last year as there has been no increase in allowances. They are not, therefore, voluntary contributions in the sense of being entirely at an individual member's discretion I'm afraid.  
>  
> I have checked the situation with the Labour Party, who are getting back to me on this, to see if there has been any amendment to this rule. I will let you know what the position is as soon as I hear but would advise you not to cease contributions until we have this information.  
>  
> I have not heard what your reasons for suspending payment may be and have not heard about them

from anyone else.

>

> I see that you would like the Group Fund to be audited by an external auditor and given a positive health check. The Group Fund has always been externally audited by an independent auditor agreed by the Group. I will ask the Group to agree that again this year but this time put the suggestion you make of it being someone not known to any Group member.

>

> I will examine the Group Fund accounts and see that everything is in order both now and in future.

>

> The Fund, when originally established, was used for many different purposes, including contributions to causes, individuals etc. until a constitution was drawn up and agreed by the Group. This restricted expenditure of the Group Fund for very limited proscribed purposes. Since the constitution was agreed the Group has always decided how it wishes to spend the money as a Group within these proscribed limits as far as I am aware.

>

> Regarding the Group delivering leaflets we have done this in the past with mixed results. It would be a Group decision whether we do this or not again and you may wish to raise it as an item for discussion at a future Group meeting.

>

> Kind Regards

>

> Janet

>

>

>

> >>> Anita MacDonald anitamacdonald@live.co.uk> 21/06/2011 15:58 >>

>

>

> Dear Janet,

>

> Thanks for reimbursing the cheque for £25, it is much appreciated. I also mentioned to the Leader I would like to suspend paying the voluntary contribution into the group fund, but will continue to pay the mandatory ALC sub whatever percentage is necessary, please let me know.

>

> My reasons for this have always been clear, although I only ever mentioned it to one person in confidence pre-May 2011.

> I gather that then became part of the whispered campaign of criticism of me when in Post as Deputy Leader. Some group members may secretly sympathise with my position on this, as they do not see the group fund as being handled with transparency or care at present.

>

> We need to see (not hear about) line by line group accounts as presented to the Inland Revenue, and we could start by delivering our own leaflets, ensuring that every penny in the fund is properly accounted for. It is also important that the group decides how to spend the fund, and that it is not treated as a slush fund.

>

> Obviously I have always paid into the fund since my election in 2006, despite sometimes experiencing extreme hardship. Since then, I have never seen line by line accounts, and once I have seen a sum total of accounts in five years.

>

> However, I consider that since we have a new executive, including yourself, perhaps they could have a closer look at the accounts and ensure everything is in order. After that, pending a positive health check by an external auditor, who does not know anyone on the group in person, I will be happy to recommence payments.

>

> Kind regards

>

**Cllr Janet Duncan - RE: allowances**

---

**From:** anita macdonald <anitamacdonald@live.co.uk>  
**To:** <jgardner@hillingdon.gov.uk>, <jduncan2@hillingdon.gov.uk>  
**Date:** 22/06/2011 13:19  
**Subject:** RE: allowances  
**CC:** <pete.curling@blueyonder.co.uk>, <asandhu@hillingdon.gov.uk>, <beulaheast@hillingdon.gov.uk>, "clramacdonald@hillingdon.gov.uk" <clramacdonald@hillingdon.gov.uk>, <dallam@hillingdon.gov.uk>, <jdhillon@hillingdon.gov.uk>, <jmajor@hillingdon.gov.uk>, <jnelson@hillingdon.gov.uk>, <klakhmana@hillingdon.gov.uk>, <labourgrousecretariat@hillingdon.gov.uk>, <lallen@hillingdon.gov.uk>, <lbliss@hillingdon.gov.uk>, <mkhursheed@hillingdon.gov.uk>, <pharmsworth@hillingdon.gov.uk>, <pjarjussey@hillingdon.gov.uk>, <rghei@hillingdon.gov.uk>, <rsansarpuri@hillingdon.gov.uk>

---

Dear Janet,

Thank you for your comments.

It is indeed an issue for the whole group, as I prefer the whole group to know exactly what is said, so it is open and transparent.

I am very happy to discuss openly at group, and by email, what I don't like is whispered discussions behind closed doors, particularly concerning accounts, as the Group would be accountable en masse for any inaccuracies.

Kind regards

**Anita MacDonald**

> Date: Wed, 22 Jun 2011 09:52:56 +0100  
> From: jgardner@Hillingdon.Gov.UK  
> To: JDuncan2@Hillingdon.Gov.UK; anitamacdonald@live.co.uk  
> CC: pete.curling@blueyonder.co.uk; ASandhu@Hillingdon.Gov.UK; BeulahEast@Hillingdon.Gov.UK; CllrAMacDonald@Hillingdon.Gov.UK; DAllam@Hillingdon.Gov.UK; JDhillon@Hillingdon.Gov.UK; JGardner@Hillingdon.Gov.UK; JMajor@Hillingdon.Gov.UK; JNelson@Hillingdon.Gov.UK; KLakhmana@Hillingdon.Gov.UK; LabourGroupSecretariat@Hillingdon.Gov.UK; LAllen@Hillingdon.Gov.UK; LBliss@Hillingdon.Gov.UK; MKhursheed@Hillingdon.Gov.UK; PHarmsworth@Hillingdon.Gov.UK; PJarjussey@Hillingdon.Gov.UK; RGhei@Hillingdon.Gov.UK; RSansarpuri@Hillingdon.Gov.UK  
> Subject: Re: allowances  
>  
> Dear Anita,  
> I presume you copied us all in by mistake.  
> Clearly this is an issue you have with the Chief Whip Janet Duncan, not  
> the rest of the group.  
> Janet Gardner.  
>  
>  
> >>> Anita MacDonald <anitamacdonald@live.co.uk> 22/06/11 9:44 AM >>>  
> Dear Janet,  
>  
> Dear Janet,

>  
> Thank you for that message. I already checked with the Labour Party and  
> they told me that only the ALC subs are compulsory, the group cannot  
> make a decision on allowances given to an individual; they can only  
> advise that certain contributions may be paid. Such contributions should  
> be on an equal level, eg the Leaders contribution should be much  
> greater, given the £32k per year allowance. Cde Curling already took  
> this idea to the group, but it was put on the backburner.  
>  
> Secondly, I was told by a member of the group that you spoke to them and  
> others in the office about me threatening to suspend my payments to the  
> group fund. (This was pre-agm, so you must have been told about it by  
> the one person I had confided in. Then it was used against me.)  
>  
> To which that member replied to you that you did it during the time that  
> Rod Marshall was the Leader, as you considered it to be his personal  
> slush fund. I consider the same to be the case now.  
>  
> I would appreciate a telephone call with you to discuss further as there  
> obviously is much you have not been made aware of.  
>  
> Kind regards  
>  
>  
>  
>  
> On 21 Jun 2011, at 18:58, Cllr Janet Duncan wrote:  
>  
>> Dear Anita  
>>  
>> Thank you for your message. The cheque has been sent with a first  
> class stamp so hopefully you should receive it tomorrow.  
>>  
>> Regarding contributions to the Group fund they are subject to Labour  
> Party rules, as you may know, and we are all required to pay into the  
> Group Fund at the rate agreed by the Group each year. This year the  
> Group agreed to continue contributions at the same rate as last year as  
> there has been no increase in allowances. They are not, therefore,  
> voluntary contributions in the sense of being entirely at an individual  
> member's discretion I'm afraid.  
>>  
>> I have checked the situation with the Labour Party, who are getting  
> back to me on this, to see if there has been any amendment to this rule.  
> I will let you know what the position is as soon as I hear but would  
> advise you not to cease contributions until we have this information.  
>>  
>> I have not heard what your reasons for suspending payment may be and  
> have not heard about them from anyone else.  
>>  
>> I see that you would like the Group Fund to be audited by an external  
> auditor and given a positive health check. The Group Fund has always  
> been externally audited by an independent auditor agreed by the Group. I  
> will ask the Group to agree that again this year but this time put the  
> suggestion you make of it being someone not known to any Group member.  
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>> I will examine the Group Fund accounts and see that everything is in  
> order both now and in future.  
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>> The Fund, when originally established, was used for many different  
> purposes, including contributions to causes, individuals etc. until a

> constitution was drawn up and agreed by the Group. This restricted  
> expenditure of the Group Fund for very limited proscribed purposes.  
> Since the constitution was agreed the Group has always decided how it  
> wishes to spend the money as a Group within these proscribed limits as  
> far as I am aware.  
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>> Regarding the Group delivering leaflets we have done this in the past  
> with mixed results. It would be a Group decision whether we do this or  
> not again and you may wish to raise it as an item for discussion at a  
> future Group meeting.  
>>  
>> Kind Regards  
>>  
>> Janet  
>>  
>>  
>>  
>>>> Anita MacDonald anitamacdona@live.co.uk> 21/06/2011 15:58 >>  
>>  
>>  
>> Dear Janet,  
>>  
>> Thanks for reimbursing the cheque for £25, it is much appreciated. I  
> also mentioned to the Leader I would like to suspend paying the  
> voluntary contribution into the group fund, but will continue to pay the  
> mandatory ALC sub whatever percentage  
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>> We need to see (not hear about) line by line group accounts as  
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> own leaflets, ensuring that every penny in the fund is properly  
> accounted for. It is also important that the group decides how to spend  
> the fund, and that it is not treated as a slush fund.  
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>> Obviously I have always paid into the fund since my election in 2006,  
> despite sometimes experiencing extreme hardship. Since then, I have  
> never seen line by line accounts, and once I have seen a sum total of  
> accounts in five years.  
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>> However, I consider that since we have a new executive, including  
> yourself, perhaps they could have a closer look at the accounts and  
> ensure everything is in order. After that, pending a positive health  
> check by an external auditor, who does not know anyone on the group in  
> person, I will be happy to recommence payments.  
>>  
>> Kind regards  
>>  
>>  
>>  
>>  
>> Anita MacDonald  
>>  
>>  
>>>>

APPENDIX 8

PART II - STRICTLY NOT FOR PUBLICATION

Dear Anita

I am sorry that you have made what I considered to be a confidential matter i.e. the withdrawal of your payments to the Group Fund, a matter for all Group Members.

I am even more concerned that you have issued a libellous statement about me to all Group members and will be taking further Labour Party and legal advice on this before taking action.

For the avoidance of doubt I have never referred to the Group Fund as a slush fund or even thought of it in such terms. I certainly never had a conversation with anyone as you described or spoke about Rod Marshall in connection with the Group Fund as his personal slush fund. This is completely untrue and libellous both to myself and Rod Marshall, a former leader of this Labour Group. I had no knowledge of what happened with the Group Fund at that time as I was not an officer of the Group when Rod Marshall was Leader. The Chief Whip was Lynne Allen at that time and I am sure that Lynne would not have tolerated any misuse of the Group Fund.

If you have evidence of any of the matters you refer to I would appreciate sight of it. If not I think a public retraction and apology are required.

Regards

Janet



Clr Janet Duncan - Re: allowances

---

From: Clr Janet Duncan  
To: Anita MacDonald  
Date: 22/06/2011 19:23  
Subject: Re: allowances  
Cc: Labour Councillors

---

Dear Anita

I am sorry that you have made what I considered to be a confidential matter i.e. the withdrawal of your payments to the Group Fund, a matter for all Group Members.

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Regards

Janet

>>> Anita MacDonald <anitamcdonald@lve.co.uk> 22/06/2011 09:43 >>>

Dear Janet,

Dear Janet,

Thank you for that message. I already checked with the Labour Party and they told me that only the ALC subs are compulsory, the group cannot make a decision on allowances given to an individual; they can only advise that certain contributions may be paid. Such contributions should be on an equal level, eg the Leaders contribution should be much greater, given the £32k per year allowance. Cde Curling already took this idea to the group, but it was put on the backburner.

Secondly, I was told by a member of the group that you spoke to them and others in the office about me threatening to suspend my payments to the group fund. (This was pre-egm, so you must have been told about it by the one person I had confided in. Then it was used against me.)

To which that member replied to you that you did it during the time that Rod Marshall was the Leader, as you considered it to be his personal slush fund. I consider the same to be the case now.

I would appreciate a telephone call with you to discuss further as there obviously is much you have not been made aware of.

Kind regards

On 21 Jun 2011, at 18:58, Clr Janet Duncan wrote:

Dear Anita

Thank you for your message. The cheque has been sent with a first class stamp so hopefully you should receive it tomorrow.

Regarding contributions to the Group fund they are subject to Labour Party rules, as you may know, and we are all required to pay into the Group Fund at the rate agreed by the Group each year. This year the Group agreed to continue contributions at the same rate as last year as there has been no increase in allowances. They are not, therefore, voluntary contributions in the sense of being entirely at an individual member's discretion I'm afraid.

I have checked the situation with the Labour Party, who are getting back to me on this, to see if there has been any amendment to this rule. I will let you know what the position is as soon as I hear but would advise you not to cease contributions until we have this information.

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I see that you would like the Group Fund to be audited by an external auditor and given a positive health check. The Group Fund has always been externally audited by an independent auditor agreed by the Group. I will ask the Group to agree that again this year but this time put the suggestion you make of it being someone not known to any Group member.

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Regarding the Group delivering leaflets we have done this in the past with mixed results. It would be a Group decision whether we do this or not again and you may wish to raise it as an item for discussion at a future Group meeting.

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>>> Anita MacDonald <anitamcdonald@lve.co.uk> 21/06/2011 15:58 >>>

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My reasons for this have always been clear, although I only ever mentioned it to one person in confidence pre-May 2011. I gather that then became part of the whispered campaign of criticism of me when in Post as Deputy Leader. Some group members may secretly sympathise with my position on this, as they do not see the group fund as being handled with transparency or care at present.

We need to see (not hear about) line by line group accounts as presented to the Inland Revenue, and we could start by delivering our own leaflets, ensuring that every penny in the fund is properly accounted for. It is also important that the group decides how to spend the fund, and that it is not treated as a slush fund.

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However, I consider that since we have a new executive, including yourself, perhaps they could have a closer look at the accounts and ensure everything is in order. After that, pending a positive health check by an external auditor, who does not know anyone on the group in person, I will be happy to recommence payments.

Kind regards

Anita MacDonald

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PART II - STRICTLY NOT FOR PUBLICATION

APPENDIX 9

Dear Janet,

Of course I will apologise, right after you apologise for spreading libellous gossip about me before the AGM, in order to reinstate the person you sleep with.

I have had to endure the most horrendous and long term bullying, albeit passive aggressive tittle tattle behind closed doors, simply because I did not appreciate the way some of us were asked to complete a form for re-election pre-2010. All COouncillors should have completed one.

This 'picking and choosing' was against party rules, and subsequently it transpired that Cllr Garg had not been asked to complete a form, as he was considered to be one of those members who was the 'backbone' of the group. This was illegal and wrong, but because I spoke up about it I was sent a horrible letter by Cllr Harmsworth, copied to Region.

I did not expect to be re-elected, but was, and immediately the bullying started again, this time being sent to Coventry since last June. I complained several times to the acting Whip, but no action was taken to convene a meeting as work was already taking place behind the scenes to replace me, and it was useful to make me appear slightly 'mad' see Cllr Harmsworths group email before Christmas calling me exactly that, which the Leader then chastised him about.

This is fine, but I think the group ought to know the full story, as many members have told me exactly what was said by you pre-AGM, in order to 'in their opinions' get your partner elected.

I really don't care what you threaten to do any more Janet, I would resign happily today if I could, as I have never been so upset, simply because I believe in keeping good accounts, paying people a fair wage, speaking up if there are inequalities. Unfortunately at the moment, there is a 'divide-and-rule' policy in operation, so we can't fight people spreading nastiness behind our backs.

What we can do however, is face it head on.

Kind regards

**Anita MacDonald**

APPENDIX 9

PART II - STRICTLY NOT FOR PUBLICATION

Cllr Janet Duncan - RE: allowances

**From:** anita macdonald <anitamacdonald@live.co.uk>  
**To:** <jduncan2@hillingdon.gov.uk>  
**Date:** 23/06/2011 08:32  
**Subject:** RE: allowances  
**CC:** <pete.curling@blueyonder.co.uk>, <asandhu@hillingdon.gov.uk>, <beulahEast@hillingdon.gov.uk>, "cllramacdonald@hillingdon.gov.uk" <cllramacdonald@hillingdon.gov.uk>, <dallam@hillingdon.gov.uk>, <jdhilton@hillingdon.gov.uk>, <jgardner@hillingdon.gov.uk>, <jmajor@hillingdon.gov.uk>, <jnelson@hillingdon.gov.uk>, <klakhmana@hillingdon.gov.uk>, <labourgroupsecretariat@hillingdon.gov.uk>, <allen@hillingdon.gov.uk>, <lbliss@hillingdon.gov.uk>, <mkhurshed@hillingdon.gov.uk>, <pharmsworth@hillingdon.gov.uk>, <pjarjusey@hillingdon.gov.uk>, <rghei@hillingdon.gov.uk>, <rsansarpuri@hillingdon.gov.uk>

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Kind regards

Anita MacDonald

Date: Wed, 22 Jun 2011 19:23:13 +0100  
 From: jduncan2@Hillingdon.Gov.UK  
 To: anitamacdonald@live.co.uk  
 CC: pete.curling@blueyonder.co.uk; ASandhu@Hillingdon.Gov.UK; BeulahEast@Hillingdon.Gov.UK; CllrAMacdonald@Hillingdon.Gov.UK; Dallam@Hillingdon.Gov.UK; Jdhillon@Hillingdon.Gov.UK; JDuncan2@Hillingdon.Gov.UK; JGardner@Hillingdon.Gov.UK; JMajor@Hillingdon.Gov.UK; JNelson@Hillingdon.Gov.UK; Klakhmana@Hillingdon.Gov.UK; LabourGroupSecretariat@Hillingdon.Gov.UK; LAlien@Hillingdon.Gov.UK; LBliss@Hillingdon.Gov.UK; Mkhurshed@Hillingdon.Gov.UK; Pharmsworth@Hillingdon.Gov.UK; Pjarjusey@Hillingdon.Gov.UK; Rghei@Hillingdon.Gov.UK; RSansarpuri@Hillingdon.Gov.UK  
 Subject: Re: allowances

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On 21 Jun 2011, at 18:58, Cllr Janet Duncan wrote:

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Janet

>>> Anita MacDonald [anitamacdonald@live.co.uk](mailto:anitamacdonald@live.co.uk) < 21/06/2011 18:58 >>

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PART II - STRICTLY NOT FOR PUBLICATION



**Private and Confidential**

Councillor Anita MacDonald  
The End House  
44a Azalea Walk  
Eastcote  
Pinner  
HA5 2EH

Our Ref: 3E/04/RA/CF/AMD1

28 June 2011

Dear Councillor MacDonald,

**Re: Complaint made against you by Councillor Janet Duncan**

I regret to inform you that I have received a written complaint against you from Councillor Janet Duncan to the effect that you have allegedly breached the Members' Code of Conduct which you have undertaken to observe in writing.

The substance of the complaint is set out as follows:

"That you engaged in a course of e-mail correspondence with Councillor Duncan during which you made a libellous and untrue statement about her and also a former Labour Group Leader, Rod Marshall, which you copied to all Labour Councillors and the Labour Secretariat thus involving officers and the whole group in a matter which she regarded as confidential.

Furthermore, following the issuing of a statement of denial by Councillor Duncan, you responded with an even more vicious, unprovoked attack on her in your e-mail dated 23rd June 2011 which you also copied to all Labour Councillors and the Labour Secretariat."

Councillor Duncan alleges that you have breached the following provisions of the Code of Conduct:

**Legal Services**

**Central Services**

T.01895 250617 F.01895 250784 / 01895 250233

ralagh@hillingdon.gov.uk www.hillingdon.gov.uk

London Borough of Hillingdon,

3E/04, Civic Centre, High Street, Uxbridge, UB8 1UP, DX 45101 UXBRIDGE

Rajesh Alagh (Borough Solicitor) - LL.B (Hons), Dip.L.G.



INVESTOR IN PEOPLE

*"3. [1] You must treat others with respect.*

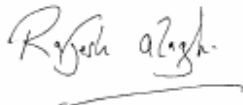
*3. [2] [b] You must not bully any person.*

*5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute".*

The next stage in the process is that a meeting of the Council's Assessment Sub-Committee will be convened within the next fourteen days to consider the complaint which has been made against you. Please note that you will not be required to attend before the Sub-Committee although you are entitled to provide me with any relevant written information to assist Members with the assessment of the complaint. If you wish to exercise this right, can you please arrange to send me such information as soon as possible.

A written summary of the Assessment Sub-Committee's findings will be made know to you once it has met.

Yours sincerely

A handwritten signature in cursive script that reads "Raj Alagh". The signature is written in black ink and is positioned above a horizontal line.

Raj Alagh  
Borough Solicitor





PART II - STRICTLY NOT FOR PUBLICATION



**Private and Confidential**

Councillor Janet Duncan  
26A Frays Avenue  
West Drayton  
Middlesex  
UB7 7AG

Our Ref: 3E/04/RA/CF/JD1

28 June 2011

Dear Councillor Duncan,

**Re: Your complaint against Councillor Anita MacDonald**

Thank you for sending me your completed complaint form in which you allege that Councillor Anita MacDonald has contravened one or more of the provisions of the Members' Code of Conduct which she has undertaken to observe in writing.

The next stage in the process is that a meeting of the Council's Assessment Sub-Committee will be convened to consider the terms of your complaint against defined assessment criteria and then to decide what the next steps in the process will be. You will not be required to attend before the Sub-Committee.

In terms of information in support of your complaint, I would be grateful if you would kindly assist me with the following:

1. Can you please provide me with the details of any specific witnesses whom you may wish to rely upon to support your complaint.
2. Apart from your statement and the appendices attached to it, do you wish to submit any further documentation in support of your complaint?

**Legal Services**

**Central Services**

T.01895 250617 F.01895 250784 / 01895 250233

ralagh@hillingdon.gov.uk www.hillingdon.gov.uk

London Borough of Hillingdon,

3E/04, Civic Centre, High Street, Uxbridge, UB8 1UP, DX 45101 UXBRIDGE

Rajesh Alagh (Borough Solicitor) - LL.B (Hons), Dip.L.G.

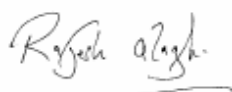


INVESTOR IN PEOPLE

PART II - STRICTLY NOT FOR PUBLICATION

Finally, I will be writing to Councillor MacDonald, informing her that you have made a formal complaint against her. I will at the same time be asking her whether she wishes to provide any written information which will be placed before the Members of the Assessment Sub-Committee when they are assessing your complaint.

Yours sincerely

A handwritten signature in cursive script that reads "Raj Alagh".

Raj Alagh  
Borough Solicitor

PART II - STRICTLY NOT FOR PUBLICATION

**From:** anita macdonald <anitamacdonald@live.co.uk>  
**To:** <lwhite@hillingdon.gov.uk>  
**Date:** 29/06/11 20:32  
**Subject:** Assessment Sub-committee

The only statement I will provide to the sub-committee at the moment will read as follows:

'The matter is an internal and long standing group matter, which will be dealt with in the usual way, within the London Labour Party structure. It is regretful that it has been taken to the standards committee for external perusal. I do wish to apologise for not realising that when I type Labour Councillors @Hillingdon from an external email address, that officers of the secretariat are copied in. I had no idea that this was the case, and had I been aware of that, I would have taken steps to ensure they did not receive the communications. I was not aware of this until I received the letter informing me of the standards hearing'

Kind regards  
Anita MacDonald

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**WRITTEN SUMMARY OF THE ASSESSMENT SUB-COMMITTEE'S  
CONSIDERATION OF THE ALLEGATION BY COUNCILLOR JANET  
DUNCAN THAT COUNCILLOR ANITA MACDONALD HAS CONTRAVENED  
THE CODE OF CONDUCT FOR MEMBERS**

The London Borough of Hillingdon's Assessment Sub-Committee met on Thursday 14th July 2011 at 2.30pm to consider the allegation made by Councillor Janet Duncan that Councillor Anita MacDonald has contravened one or more provisions of the Members' Code of Conduct ["the Code"] which she had undertaken in writing to observe.

The Sub-Committee is comprised of two Members of Hillingdon's Standards Committee, one substitute Member and it is chaired by an Independent Member.

The particulars of the allegation can be summarised as follows:

- That Councillor MacDonald engaged in a course of e-mail correspondence with Councillor Duncan during which she made a libellous and untrue statement about her and also a former Labour Group Leader, Rod Marshall, which she copied to all Labour Councillors and the Labour Secretariat thus involving officers and the whole group in a matter which she regarded as confidential.
- Furthermore, following the issuing of a statement of denial by Councillor Duncan, Councillor MacDonald responded with an even more vicious, unprovoked attack on her in an e-mail dated 23rd June 2011 which Councillor MacDonald copied to all Labour Councillors and the Labour Secretariat.

The Monitoring Officer wrote to Councillor Duncan on 28th June 2011, asking her to provide him with details of any specific witnesses whom she wished to rely upon to support her complaint and also, whether she wished to submit any further documentation in support of her complaint. Councillor Duncan did not provide details of any such witnesses or submit any further documentation.

The Monitoring Officer also wrote to Councillor MacDonald on 28th June 2011, asking her if she wished to submit any relevant written information to assist Members of the Sub-Committee with the assessment of the complaint. Councillor MacDonald responded by sending an e-mail dated 29th June 2011 to the Head of Democratic Services and Deputy Monitoring Officer which was duly considered by the said Members at the assessment meeting which took place on 14th July 2011.

Prior to commencing the assessment process, the Members of the Sub-Committee satisfied themselves that the allegation was against a named Member

of Hillingdon, that she was in office at the time of the alleged misconduct and that the Code was in force at that time.

The Sub-Committee also satisfied itself that, if proven, the allegation would constitute a breach of the following provisions of the Code:

- *Paragraph 3[1] - "You must treat others with respect"*
- *Paragraph 3[2] [b] - "You must not bully any person"*
- *Paragraph 5 - "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute"*

The Members of the Sub-Committee then considered each of the assessment criteria in turn and made the following findings:

- The complainant had submitted enough information for the allegation to be referred for investigation or other action.
- The allegation was made against an existing Hillingdon Member.
- The allegation had not already been the subject of an investigation relating to the Code.
- The allegation had not been the subject of an investigation by other regulatory authorities.
- The allegation was not about something that happened so long ago that there would be little benefit in taking action now.
- The complaint was not too trivial to warrant further action.
- The allegation did not appear to be simply malicious, politically motivated or tit-for-tat.

The Members of the Sub-Committee separately considered each of the three decisions open to them in turn. They decided that there were no justifiable grounds to refer the allegation to Standards for England as there were no issues, or public interest considerations, which would make it difficult for Hillingdon to deal with the matter fairly and speedily.

Neither did the Members consider that no action at all should be taken in relation to the allegation.

The Members unanimously decided that the allegation should be referred to Hillingdon's Monitoring Officer for him to arrange an investigation into the allegation. They did not consider that alternatives to an investigation would be appropriate in this case.

The Members further decided that the Monitoring Officer should appoint a suitable external person to undertake the investigation in order to ensure that it is both independent and impartial.

Signed.....  
Chairman, Assessment Sub-Committee

Date.....15/07/11

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*private & confidential*

Councillor Anita MacDonald  
The End House  
44a Azalea Walk  
Eastcote, Pinner  
HA5 2EH

**84, Haslemere Avenue  
Ealing  
London  
W13 9UL**

**e-mail [tim@revell12.freeserve.co.uk](mailto:tim@revell12.freeserve.co.uk)  
tel 020 8840 4241  
mobile 07940 072314**

**your ref**

**date**  
21<sup>st</sup> July 2011

Dear Councillor MacDonald

**Code of Conduct – Complaint by Councillor Janet Duncan**

I write further to Raj Alagh's letter of 19<sup>th</sup> July 2011 and Councillor Duncan's allegation that you have failed to comply with the London Borough of Hillingdon's Code of Conduct.

I have been appointed by Raj Alagh, the Monitoring Officer, to investigate the allegations which have been made about your conduct. I would like to assure you that although the Assessment Sub-Committee has referred the allegation for investigation, the Standards Committee has formed no view on the matters set out in the allegation. The investigation will enable the Standards Committee to reach a conclusion on whether there has been any failure to comply with the London Borough of Hillingdon's Code of Conduct. Part of the investigation will include seeking information and documentation from you and other people, where relevant.

I enclose a copy of the documents which make up the allegation made against you. You may disclose these documents to your solicitor or other representative, should you choose to appoint one, for the purposes of seeking advice in relation to this investigation. The documents should not be disclosed to anyone else.

Please provide the following information in writing by Thursday 4<sup>th</sup> August 2011, in order that I can progress the investigation:

- any documentation you believe may be relevant to the matter
- any witnesses other than the complainant you believe I should interview
- any other relevant information

You are welcome to provide me with your initial response to the allegation should you wish to do so at this point.

I hope to complete the investigation within six weeks of the date of this letter. In order to assist in the progress of the investigation could you please let me know of

any periods of time, such as holidays, when you will not be available?

I want to keep you informed of the progress of the investigation. However, I am aware that some people would prefer to be contacted only when there are substantive developments, while others will want to be updated more regularly. If you would prefer to be updated on progress at monthly intervals please contact me to confirm this and I will endeavour to accommodate your wishes.

If you have any queries I can be contacted directly on the above telephone numbers or by e-mailing.

Yours sincerely,

A handwritten signature in black ink that reads "Tim Revell" followed by a stylized flourish.

Tim Revell  
Investigator

*private & confidential*

Councillor Janet Duncan  
26A Frays Avenue  
West Drayton  
Middlesex  
UB7 7AG

**84, Haslemere Avenue  
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**e-mail [tim@revell12.freemove.co.uk](mailto:tim@revell12.freemove.co.uk)  
tel 020 8840 4241  
mobile 07940 072314**

**your ref**

**date**  
21<sup>st</sup> July 2011

Dear Councillor Duncan

**Code of Conduct – Complaint against Councillor Anita MacDonald**

I write further to Raj Alagh's letter of 10<sup>th</sup> July 2011 and your allegation that Councillor MacDonald has failed to comply with the London Borough of Hillingdon's Code of Conduct.

I have been appointed by Raj Alagh, the Monitoring Officer to investigate the allegations you have made about Councillor MacDonald's conduct. I would like to confirm that although the Assessment Sub-Committee has referred the allegation for investigation, the Standards Committee has formed no view on the matters set out in the allegation. The investigation will enable the Standards Committee to reach a conclusion on whether there has been any failure to comply with the London Borough of Hillingdon's Code of Conduct. Part of the investigation will include seeking information and documentation from you and other people, where relevant.

I enclose a copy of the documents which contain the allegations made. You may disclose the documents which make up the allegation against Councillor MacDonald to your solicitor or other representative, should you choose to appoint one, for the purposes of seeking advice in relation to this investigation. The documents should not be disclosed to anyone else.

Please provide the following information in writing by Thursday 4<sup>th</sup> August 2011, in order that I can progress the investigation:

- any documentation you believe may be relevant to the matter
- any witnesses other than the complainant you believe I should interview
- any other relevant information

I hope to complete the investigation within six weeks of the date of this letter. In order to assist in the progress of the investigation could you please let me know of any periods of time, such as holidays, when you will not be available?

I want to keep you informed of the progress of the investigation. However, I am aware that some people would prefer to be contacted only when there are substantive developments, while others will want to be updated more regularly. If you would prefer to be updated on progress at monthly intervals please contact me to confirm this and I will endeavour to accommodate your wishes.

If you have any queries I can be contacted directly on the above telephone numbers or by e-mailing.

Yours sincerely,

A handwritten signature in black ink that reads "Tim Revell" followed by two vertical lines.

Tim Revell  
Investigator



## London Borough of Hillingdon Members' Code of Conduct – Investigation into complaint against Councillor Anita MacDonald


### File note

On 27<sup>th</sup> July I was telephoned by Councillor Anita MacDonald following receipt of my letter of 22<sup>nd</sup> July advising that I had been asked to carry out the investigation into this complaint. The letter was to give both parties the opportunity to provide further documentation and identify witnesses. I explained the process that I intended to follow.

Councillor MacDonald explained that she had suffered two years of harassment and bullying because she had acted as a whistleblower in expressing concerns about the use of Hillingdon Labour group funds by officers of the group. She indicated that the Labour party were conducting an investigation into her allegations but that this investigation would wait until the outcome of the current standards investigation was known. She referred to a proposed new constitution for the Hillingdon Labour group which she thought was relevant to my investigation and agreed to send me a copy.

She asked in what circumstances a standards investigation could be stopped and I advised that generally once a complaint had been sent to the monitoring officer for investigation there were very limited circumstances in which it would be stopped. An investigation would also continue even if the person concerned ceased to be a member of the local authority. I indicated that my investigation was specific to the complaint made and would not deal with the matters being investigated by the Labour party.

Councillor MacDonald indicated that she would apologise if Councillor Duncan accepted that she had behaved inappropriately with regard to the Labour group's funds. I indicated that I would still need to interview both parties to the complaint. These interviews would be carried out at a mutually convenient location and did not need to be at the civic centre.



Tim Revell  
Investigator  
27<sup>th</sup> July 2011

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To Tim Revell

**CONFIDENTIAL**

Re: Code of Conduct violation allegation against Anita MacDonald

I am writing this letter to be taken into consideration when you read all the relevant documentation, to give some background to the case.

A few years ago Sid Garg was very popular in the group and a talented member of it. The then Chief Whip, Paul Harmsworth, did not appear to monitor Labour Group accounts, casework or other issues at all between 2006-2010. When the time came for him to send information to the LGC regarding re-selection he refused, and there was a series of emails about why it was 'not his job'. I don't know whether this had anything to do with adequacy of records kept.

Finally, after realising he needed to provide some written evidence on sitting councillors, he sent emails with an attached application form to some members of the group, including myself. I discovered that some of the sitting councillors did not receive the form, and immediately challenged him, together with another female member on the grounds of equality, as only some women had been asked to complete them. I asked why some had not been asked and he replied in writing that the people who don't have to fill them in are the 'backbone of the Labour Group'. This included Cllr Garg, even though Cllr Harmsworth was allegedly aware of his Caution at the time. (This is subject to a separate investigation by London Labour Party Compliance Unit, case to be heard on 23<sup>rd</sup> August)

Some of us, including the Domestic Violence advocate, myself as Education Lead and Cllr Lynne Allen (ex Chief Whip) were asked to complete forms for re-selection, even though we had the highest casework and members enquiries statistics of the Labour Group, as we were all extremely hard working. We were suitably incensed. The only reason appeared to be that either a. we had the nerve to disagree with Cllr Harmsworth and b. that we were women.

At this point I was disaffected with politics and told the LGC at a meeting that I was stepping down as a Councillor at the end of my term because of the equalities issues and because in addition to that, when I complained about it, Cllr Harmsworth wrote a couple of very long and disparaging emails about myself and Cllr Allen and sent them to the LGC secretary, requesting they be sent to the Regional office. These were so personal and subjective in nature that the LGC secretary was fearful about showing them to us in case we became upset.

I stood down, then at the last minute an unsafe seat was vacated by the person selected in West Drayton. I put my name forward as I was sure I was unlikely to get it, but the electorate thought otherwise and I was elected, then elected by some of the Group into the Deputy Leader's position while Cllr Harmsworth was in France on holiday during the election and immediately afterwards.

Soon after assuming the role of Deputy Leader, I wrote a strategy for the Group, and organised an away day for training and reflection for the whole group. The Leader and I arranged to have monthly meetings with the secretariat as part of this new plan, to bring up any issues. We agreed to have these on the 15<sup>th</sup> of the month. We had our first meeting, and the Leader told me afterwards that he

felt things were being leaked from these meetings and from the Labour Group Secretariat to Cllr Janet Gardner, who in turn was passing the information on. He asked me to speak to the long term officer, Dee Brooklyn. I took her across the hall to another office and advised her that the Leader had asked me to emphasise how important it was not to leak information, particularly to Cllr Gardner. Later that day, she was obviously upset with me and said she felt I was accusing her of leaking information. I said no, I was asked to bring it up to her as the senior officer in the office and I did. (The previous Labour Group Leader, Anthony Way had also complained for a long time about leaks from the office.)

In June 2010 I soon discovered as Deputy Leader that the Labour Group Secretariat had been paid cash in hand for years. The rest of the Executive seemed unsurprised that Council officers were receiving cash payments, and I soon began to realise that rather than do anything to stop this illegal practice; they wanted to take action against me in various ways in order to discredit any future statements I would make. Cllr Harmsworth actually brought me to tears in a Labour Group meeting (minuted) with his shouting at me. I took action myself; I went to the Secretariat line manager Jo Michalski and had a word with her in the Mayors Parlour, she advised me to 'keep it quiet'. I then went to Lloyd White, Head of Democratic Services and told him; he took immediate action and visited Dee and advised her not to take cash in hand as this put her in a difficult position when asked to leak information.

I went into the Group Office the next day, and Dee shouted at me, asking what I had against her, the reverse was actually true as I regarded Dee as a 'gem', someone very easily led, but with a heart of gold. I said it wasn't just her, it was every officer who had past or present, taken cash in hand from the Labour Group fund, that it was illegal and that it had to stop. She replied that 'everyone takes cash in hand' I said no, they don't, and with the expenses scandal we had to ensure that it didn't happen again.

Soon after, those members of the Executive who had known all about the payments, the same members who had failed to produce any accounts between 2006-2010, started to tell the group that I had bullied Dee. Nothing could have been further from the truth, in fact Dee came to me and we were both in tears about it, I said I had not bullied her, she agreed and said it had been 'blown out of all proportion' by Members.

As I have said repeatedly, we cannot have the Labour Party brought into disrepute, particularly after the expenses scandal being so fresh in the minds of the public. Yet again the only people who knew about this state of affairs were some of the 'backbone of the group', the same people who did not have to complete sitting Councillor forms at the time of the last election.

The Leader began to work against me behind the scenes, operating a 'divide and rule' policy, telling me he supported me completely but having meetings behind the scenes in order to remove me. I am in no doubt that Cllr Garg and myself were taken to Standards in order to discredit both of us, as moves were only made against Cllr Garg once he started asking for the accounts to be 'signed off' before he took them over as Whip. The Leader was accused of much worse in the past and the Party operated an 'innocent until proven guilty' policy, which should also have happened here. I am the only female member of the group who has actually spoken to Cllr Garg's wife about it, so anyone who thinks they are on the side of domestic violence victims without speaking to them, has a strange perspective on life. It seems to me that he is being set up to discredit him after asking to see the



accounts. The other previous member who was also 'got rid of' as Deputy Leader as he seemed to ask too many questions, was Cllr Eginton, an accountant.

Other unfounded allegations have been made to group members about a member of the Regional office being related to Councillor Garg, and other unsavoury allegations about Regional officers that we can only assume are fictitious. An email was sent to the Regional office in January by the Leader, typed by Cllr Janet Duncan, that the rest of us as an Executive and Shadow Cabinet have not been party to, and have no idea as to the contents. This will be sorted out by the Compliance Unit.

After this long battle, I was physically and mentally exhausted, tearful and depressed at times. I don't feel able to visit the Labour Group Office at all now, due to the long term whispering campaigns against me, but have all my mail sent home, and continue to do surgeries and casework.

I do regret sending the email to Cllr Duncan, even though I still believe it to be the truth. I did not make a libellous statement about Rod Marshall, she did, to Cllr Peter Curling and I would ask that he be called as a witness about this. I was quoting what she allegedly had said to Cllr Curling. She knows she said it, and to more than one person, as she asked Cllr Allen why she had told me. Cllr Allen told Cllr Duncan she did not tell me. I would ask that Cllr Allen be called as a witness about this too.

This is 'tittle tattle' anyway, as it was a conversation, but the reason I emailed all members is that most of them had no idea about the misuse of the group fund. A group fund constitution change was discussed at Labour Group last Monday (see enclosed documents), proving that I was speaking the truth in my email about not having to pay anything except my ALC compulsory payments, pending full investigation, otherwise why would they rush to change it? It would also be very interesting to ask how many members pay into the group fund, what the criteria is for deciding which members do not have to pay in (it transpired at Group the other night that a substantial number of members do not pay in to the group fund, there does not appear to be a criteria for this).

I was never given a key to the Secretariat's office, where petty cash was held, only the Leader and Group Secretary (now Whip) had a key. The Secretariat reported that cash went missing, and suggested it might have been the cleaner. The Leader and Chief Whip are the signatories on the bank account too. They have now begun to change the Group Fund constitution,( see enclosed) without consultation with the NEC, so illegal, to include Cllr Harmsworth (Cllr Duncan's long term partner) and Cllr Beulah East. We will now have four signatories to our Group Fund, three of whom were complicit in a cash in hand crime going back years.

Lastly, while I deeply regret sending the email, I was very angry that my reputation should be under question after such a long whispering campaign. The Leader even told me the next day, that Cllr Duncan had worked very hard to get Cllr Harmsworth into the Deputy Leaders position, and had been round the members telling them that I had bullied Dee. I did not bully her in any way, as I am quite sensitive to the way people speak to me, so wouldn't dream of doing it to others. But it is a word that 'sticks' and I find myself in the position of having to defend myself when only trying to clean up a historical and financial mess. I obviously stumbled upon something much greater by accident.

I would ask that the following witnesses be called:

1. Cllr Lynne Allen – re Rod Marshall quote
2. Cllr Peter Curling- re Rod Marshall quote
3. Cllr David Allam- re cash in hand- was he asked to provide the name of a payroll company to the Leader after the scandal was revealed, he was as shocked as I was that we were paying cash in hand. The Leader claimed that it was now going through a payroll company, since the Secretariat stopped being paid. The Leader has employed a friend of his, ex councillor John Oswell, who appears to be paid £40 cash per night. (This is coming out of the Group fund, while the Secretary could quite easily take minutes, money that should be in my opinion be for campaigning.)
4. Tony Eginton, former councillor and Deputy Leader, re accounts and audit procedures.
5. The accountant, with detailed copies of the accounts from 2006-10, as the Labour Group has not seen these.

I would also ask that you use the recent accounts (post-2010) as evidence of cash still being used as a way of paying people for services, rather than a cheque from the Labour Group Fund. The accountant (NEMS) has made a statement on the front of the paper, saying that the minute taking falls below the tax threshold for the year now audited (the person taking minutes now is a pensioner), but it still has to be declared, and for previous years, by the persons receiving the cash. The accountant also is allegedly a friend of Cllrs Duncan and Harmsworth. The accountant was also paid in cash, but at least signed the document to say he had. The accountant is also allegedly a Labour Party Member, and as per one of my emails, I suggested that the Group be audited by an independent person.

I am surprised we are in this situation because this was an Internal Labour Party matter. The Leader said to members at a recent meeting that the Regional Compliance Unit suggested that Cllr Duncan take my case to Standards, this is not true, the Head of Compliance has stated to me that on no account has anyone from the Labour Party advised that it be taken out of the Party. It holds their internal disciplinary procedures up and it is not in our political interest to air our internal grievances in public. Obviously I'm concerned to refute any untrue allegations about myself and will defend them vigorously and openly.

Anita MacDonald

*private & confidential*

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tel 020 8840 4241  
mobile 07940 072314**

**your ref**

**date  
August 2011**

Dear Councillor

**Code of Conduct – Complaint against Councillor Anita MacDonald**

Following our telephone conversation earlier today I am writing to confirm our interview arrangements for ..... August 2011 at ..... at Hillingdon Civic Centre and to give you some additional information.

The interview will be conducted under the powers given to me under the Local Government Act 2000.

I will be taking notes and may be recording our conversation. If I wish to record the interview I will ask you to give your consent beforehand. If I rely on information gained during this interview in a report, I will send you a copy of the record and give you an opportunity to comment on it. If I do not send you a copy of the interview record, you may request it. It is possible that what you say at interview may be disclosed and you might be called as a witness.

Please inform me in advance if you will be accompanied and if so by whom. You may have a friend or adviser with you during the interview. However, the person who accompanies you should not be a member of the standards committee, a council officer or a potential witness.

I estimate that the interview will take no more than one hour.

I anticipate that the following documents may be required during the interview:

- Complaint and supporting documents considered by Assessment Sub-Committee on 14<sup>th</sup> July 2011

It is important that you have copies of these documents with you, as they may be needed during the interview. It is also important that you have copies of any other relevant documents with you, as they may also be needed during the interview.

When the investigation is finished, I will report to the standards committee. The standards committee will decide whether there has been a breach of the Code and what action should be taken including whether to refer the matter to the First Tier Tribunal (Local Government Standards in England).

I must also ask that you treat any information provided to you during the course of this investigation as confidential. In addition, there are statutory restrictions on the disclosure of information obtained by the monitoring officer. This is covered by Section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence. Anyone who accompanies you to your interview should also be made aware of the restrictions on disclosure of information.

If you have any queries prior to the interview, please do not hesitate to contact me on the above telephone numbers or by email.

Yours sincerely

Tim Revell  
Investigator



## **London Borough of Hillingdon Members' Code of Conduct – Investigation into complaint by Councillor Janet Duncan against Councillor Anita MacDonald**

### **Note of interview with Councillor Janet Duncan at 10.00 am on Monday 8<sup>th</sup> August 2011 at Hillingdon Civic Centre**

Mr Revell (TJR) introduced himself and said that at the request of the Monitoring Officer for the London Borough of Hillingdon (LBH) following a complaint received from Councillor Duncan he was conducting an investigation into the allegations she had made against Councillor MacDonald. Councillor Duncan (JD) confirmed that she had received TJR's letter of 4<sup>th</sup> August 2011. TJR ran through the contents of the letter. JD confirmed that she had chosen not to be accompanied at the interview. TJR reiterated the need to keep the contents of the interview confidential. He outlined the procedure he was intending to follow. JD had no questions at this stage.

TJR asked JD if she could provide any background to her complaint so that he could try to understand the circumstances that led to a formal complaint being made. JD explained that Councillor MacDonald had first been elected in May 2006 and initially had received a lot of support from members of the Labour group who welcomed a younger active councillor into the group. However, over the four year period to May 2010 the nature of Councillor MacDonald's relationship with many members of the group caused much of this support to be lost. She had indicated that she wished to stand down in May 2010 so was involved in the interviewing and selection of Labour party candidates which would not have been possible if she had been seeking selection as a candidate because of the potential conflict of interest. As preparations for the elections were beginning one of the three selected candidates in West Drayton ward was removed unilaterally by a colleague of Councillor MacDonald who then replaced them as a candidate. JD indicated that this caused uproar in the local party but as the election was imminent it was impracticable to make another change so she placated the membership and Councillor MacDonald was allowed to stand. JD did not believe that Councillor MacDonald was aware that she intervened on her behalf.

In May 2010 Councillor MacDonald was elected Deputy Leader of the Labour group but JD did not believe that she was effective in that role as she had upset many members of the group by actively attacking colleagues and had also consistently attacked council officers supporting the group. Many members of the group thought that Councillor MacDonald had not been supportive of the group leader, Councillor Khursheed, particularly when he was recuperating from an operation and from July/August 2010 was acting as Chief Whip following the suspension of Councillor Garg from that role. JD thought that Councillor MacDonald was aggressive in her manner and had a bullying and manipulative nature. JD believed that statements made by Councillor MacDonald could not always be relied on and she was sceptical of the claim made in the e-mail of 15.6.11 about the pending repossession of her house. JD advised that Councillor MacDonald disliked Councillor Harmsworth who was JD's partner. This was reciprocated by Councillor Harmsworth who did not wish to speak to Councillor

Final statement of Interview with Tim revell - 8 August 2011



Macdonald other than in a professional capacity to discuss council or group business. However, JD indicated that she had never actively engaged in any disagreement with Councillor MacDonald herself. In May 2011 it was clear that the large majority of members of the group did not want Councillor MacDonald to continue as Deputy Leader and Councillor Harmsworth indicated that he would put his name forward if no other members wished to take on the role. No one did so he became Deputy Leader and at the same time JD became Chief Whip.

JD thought that some of the hostility directed towards her and Councillor Harmsworth arose from issues concerning Councillor Garg. At the parliamentary election in May 2010 Councillor MacDonald was the Labour party candidate in the Ruislip Northwood & Pinner constituency and Councillor Garg the candidate in the Uxbridge & South Ruislip constituency. JD noted that Councillor MacDonald was a close colleague of Councillor Garg. In July/August 2010 it was discovered that Councillor Garg had received police cautions for domestic violence offences. At this point he was suspended from the Party and as Chief Whip. This information had not become known during the parliamentary selection process so the Regional Labour party began an investigation which was delayed for a number of reasons. JD and Councillor Harmsworth would be witnesses at the hearing which was to take place shortly and JD thought that one of the motives behind the accusations made against her and by implication Councillor Harmsworth was to discredit them as witnesses. She referred to a conversation with Councillor Gilham on 28<sup>th</sup> June in which he related a conversation he had had with Councillor MacDonald in which she indicated her dislike of both JD and Councillor Harmsworth because they were acting against Councillor Garg. She noted that Councillor MacDonald's husband was a regional officer of the Labour party.

TJR asked JD to give her response to the series of e-mails she had submitted to support her complaint. JD indicated that the initial request for reimbursement of £25 had been passed to her by Councillor Khursheed which she had dealt with as soon as possible (appendices 1 & 2)<sup>1</sup>. She noted that Councillor MacDonald had continued to be paid an allowance for the Deputy Leader role for some days beyond the date when that ceased. This was a matter for payroll to resolve. JD was concerned that in the next e-mail (appendix 3) she had used emotive language in referring to a 'slush fund' and implying that the money in the group fund had not been properly accounted for. The operation of the group fund was overseen by the Chief Whip so JD felt that this was an implicit criticism of Councillor Harmsworth who had held that role from 2006 to 2010, Councillor Khursheed who was acting Chief Whip last year and herself as Chief Whip since May 2011. She thought that some of the comments particularly about taxation were irrelevant as the group fund had charitable status and all the money paid in was from the taxed income of group members. She was also concerned that what she assumed was a private matter had been deliberately copied to all Labour councillors and the support staff in the office. JD responded (appendix 4) setting out the position for contributions to the fund and arrangements for expenditure from it.

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<sup>1</sup> The appendices are those attached to Councillor Duncan's submission to the Assessment Sub-Committee



TJR asked JD about the alleged conversation concerning the use of the group fund during former Councillor Marshall's periods as leader of the group (appendix 5). JD responded that the allegation was untrue and that the alleged conversation did not take place. She advised that when she was first elected in 2002 she did not hold office in the group and had no part in the operation of the group fund. Initially there was no formal constitution governing the use of the fund but there were always audited annual accounts. TJR asked whether payments in cash had been made to staff in the Labour group office. JD replied that where staff had carried out additional duties that were not part of their job descriptions they were paid in cash but did not consider this to be a problem if payments were properly accounted for.

JD noted that in the e-mail at appendix 6 Councillor MacDonald had confirmed that it had been her intention to copy the correspondence to the whole group. JD had then responded (appendix 8) to what she considered to be a libellous statement made to all Labour members although she did not attack Councillor MacDonald in this response. She then received a further e-mail from Councillor MacDonald which she regarded as both personally offensive and untrue (appendix 9). Councillor Macdonald had not sent this e-mail "in the heat of the moment" as she had sent it the following day. Regarding the contents JD indicated that Councillor Harmsworth had not actively sought the Deputy Leadership. With regard to the selection of candidates JD advised that it was the responsibility of the Chief Whip to report on members of the group as part of Party selection processes. Usually a full individual report was only made on those who had not performed well or about whom there was some query. The councillors about whom a report was made were able to see their reports. Councillor MacDonald had not held surgeries contrary to the Labour party's rules so a report was made. Councillor Macdonald objected to the fact that a report had been made about her by Councillor Harmsworth who was the Chief Whip at the time and thought that reports should be made about everyone. Councillor MacDonald was not correct to suggest that this was against the party's rules and this had been explained to her. Councillor MacDonald had not raised these matters of being bullied over a period of years with the Leader and this was an example of her tendency to make accusations for which there was no evidence. In fact she had bullied others.

JD advised that since she had become Chief Whip she had arranged for the group fund and the petty cash disbursement to be audited and for the auditor to deal with any questions raised. An updated constitution had been prepared for the group fund which had been agreed by the group. She had done this to give full evidence to members that the Group Fund was being administered properly following Councillor Macdonald's smears. JD indicated that she had been reluctant to make a complaint using the standards committee process but Councillor MacDonald's behaviour was unacceptable and she needed to protect both her position and that of the Chief Whip. Whilst involved in public life both as a councillor and local authority officer she had never experienced anything like this. She had always tried to work with Councillor Macdonald so believed that her actions were unprovoked but calculated to undermine JD. She referred to a supportive e-mail from Councillor Bliss expressing her anger about Councillor MacDonald's actions.

The interview concluded at 11.20 am.

I certify this note is a true record of the interview conducted with Tim Revell on 8<sup>th</sup> August 2011.

*Janet SM Duncan*  
.....  
Signed

*10 September 2011*  
.....  
Date



**London Borough of Hillingdon Members' Code of Conduct –  
Investigation into complaint by Councillor Janet Duncan against  
Councillor Anita MacDonald**

**Note of interview with Councillor Janet Duncan at 3.00 pm on Monday 15<sup>th</sup> August  
2011 at Hillingdon Civic Centre**

Mr Revell (TJR) introduced himself and said that at the request of the Monitoring Officer for the London Borough of Hillingdon (LBH) following a complaint received from Councillor Duncan he was conducting an investigation into the allegations she had made against Councillor MacDonald. TJR indicated that the arrangements for this further interview were the same as set out in his letter of 4<sup>th</sup> August 2011. Councillor Duncan (JD) confirmed that she had chosen to be accompanied at the interview by Councillor Paul Harmsworth as friend and adviser. TJR reiterated the need to keep the contents of the interview confidential. He outlined the procedure he was intending to follow. JD had no questions at this stage.

JD indicated that having considered the draft note of the interview on 8<sup>th</sup> August she had concluded that there were some further matters she needed to bring to TJR's attention as she believed that they were pertinent to the investigation. JD had set out this information in a draft statement JD sent to TJR before the meeting and expanded upon the points she had made.

JD indicated that she had been uncomfortable about involving a member of staff from the group secretariat but thought that this was central to the matter. The manner in which Councillor MacDonald had behaved towards Dee Brooklyn, Senior Group Support Officer had caused many members of the group to change their view of her. Most although not all members of the group became aware of the tensions that existed between Councillor MacDonald and Ms Brooklyn and were supportive of Ms Brooklyn. JD believed that this was one of the main reasons why Councillor MacDonald had lost the vote for the Deputy Leadership in May 2011 by 12 votes to 5. One member was on leave at the time and had later said he would have made the vote 13 to 5 had he been present. JD advised that Ms Brooklyn had no objection to this information being given to the investigation and had voluntarily made a statement about it. TJR indicated that he would need to interview Ms Brooklyn separately about the contents of her statement.

JD advised that when the Group Fund had been established in 2002/3, when councillors started to receive allowances rather than expenses, contributions were voluntary except for the ALC subscriptions. A constitution was drawn up in 2003/4 which set out the purposes of the Fund and how it was to be managed. Later the Labour Party rules changed and Labour Groups were required at their AGM to establish a budget and amount of annual contribution to the Fund to cover their ALC subscription, group administration, communications and other appropriate activity.


Each cheque had to be signed by two of the three authorised signatories. She did not accept that there was any substance in the accusations made by Councillor Macdonald and thought that this was an attempt to smear those responsible for the fund.

JD advised that there had been a longstanding decision by the Labour group to have an external minute taker at group meetings so that the group secretary could participate in debates at group meetings. Councillor MacDonald took the view that the group secretary should take the minutes. In September 2010 JD had a conversation with Councillor MacDonald about the matter in which it was agreed that no action would be taken for the moment as it was hoped that the group would soon have the services of a political assistant part of whose role would be to take the minutes. On her return in October 2010 JD discovered that Ms Brooklyn who had previously taken the minutes had ceased to do so following intervention by Councillor MacDonald who had also secretly raised the issue with Ms Brooklyn's manager unbeknown to the Group. Councillor Harmsworth raised the matter at a subsequent group meeting and following a brief discussion Councillor MacDonald left the meeting abruptly. She then made a formal complaint about JD and Councillor Harmsworth to the local Labour party Local Government Committee. This complaint was referred back to the group to deal with and then withdrawn by Councillor MacDonald.

JD advised that she was unsure what had prompted Councillor MacDonald's hostile attitude towards her but believed it had started when Councillor Garg had been suspended from the group. She referred to the discussion she had had with Councillor Gilham as evidence of this hostile attitude. She refuted any suggestion that she was spreading lies about Councillor MacDonald and suggested that anything Councillor Macdonald said should be treated with caution.

The interview concluded at 3.50 pm.

I certify this note is a true record of the interview conducted with Tim Revell on 15<sup>th</sup> August 2011.

  
Signed

10 September 2011  
Date



**Additional Statement by Councillor Janet Duncan for Mr Tim Revell**

1. In the Labour Group there is a practice that we have a minute taker. This was agreed by a previous administration but the practice has been retained as it enables the Secretary to participate in meetings to a fuller extent than if they are taking minutes. The minute taking is sometimes taken by the Secretary or another member but it became the practice for various members of the secretariat to take minutes for which they were paid separately.
2. Last year after Councillor Macdonald became Deputy Leader she objected to members of the secretariat taking minutes at Group Meetings. She had been a councillor for four years before this and had not objected to it once in that time. Last year she raised her objection at Group but Group wished to keep a minute taker. She contended that this was misuse of Group funds (it isn't) and set out to stop the practice (she hasn't) although minutes are now taken by someone external to the Civic Centre. As Secretary to the Group at that time I assured the Group that I was happy to take minutes if that was the Group's wish and decision but the Group did not wish me to do so.
3. Although she had lost the vote at Group this did not deter Councillor Macdonald from attacking the minute taker by talking about reporting the officer member of the secretariat staff who usually took the minutes. Various members spoke to her to try and dissuade her from dealing with matters in such an aggressive and job-threatening way when the press at that time was reporting large cuts and job losses in local government budgets.
4. I spoke to her in September 2010, as Secretary of the Group at that time, before going on leave. I said I understood that she was not happy with the minute taking arrangements and asked her not to do anything more until we could discuss the matter further and agree a way forward. She said she would not report the officer and would wait.
5. But unbeknown to anyone in the Group she had already reported the officer to their manager. This was done without the knowledge of anyone in the Group and in a completely unilateral manner. After a while she again secretly approached the manager of the member of staff and asked what progress had been made about investigating them. The manager then came over to the Group offices and Councillor Macdonald's covert reporting of the officer became known.
6. Councillor Macdonald had acted in a way that was totally contrary to the Group's decision and was a shock to everyone when it was discovered.
7. She had also been bullying the officer in a very objectionable way since about August 2010. She would phone her at one minute past nine and one minute to

five on many occasions to make sure she was there. It was not her job to check officers' hours of work and there was no issue with this as the member of staff kept good time and would even stay late (unpaid) if there was a lot of work that needed to be done urgently.

8. On one occasion Councillor Macdonald thought she was going to attend a meeting of residents objecting to the closure of Yiewsley Swimming Pool. When the officer pointed out that the meeting she was attending was a community safety one and not on Yiewsley Pool she disliked being advised of this although it was done to help her and in a pleasant manner. She complained about the officer for doing this putting a very negative construction on it.
9. When she started systematically bullying and harassing the member of staff the victim was frightened and her health affected. She had to go away from the office to cry. There are witnesses among the officer and member bodies to this. She was advised to keep a log of the incidents and started to do this but gave up as she was too upset by what was happening to her. She began to say that she couldn't carry on but was fearful of lodging a complaint against Councillor Macdonald.
10. Not all councillors come into the Civic Centre on a daily or regular basis but those that did are well aware of what was happening and disliked Councillor Macdonald intensely for the bullying behaviour she carried out against this very loyal and hardworking member of staff. They tried to support the member of staff and help her maintain her morale in the face of almost daily attack.
11. Councillor Harmsworth and I returned from leave in October 2010 to find that the member of staff was no longer taking minutes and her health was even more badly affected with the extreme stress of the situation. She had felt too frightened to continue taking minutes and had stopped. In the interim at Group meetings other members of the Group had taken minutes including Councillor Macdonald herself at one of the meetings.
12. At the first Group meeting we attended after returning from leave Councillor Harmsworth asked what had happened about minute taking in our absence. Councillor Macdonald explained her views and that she thought the Secretary should take the minutes. She said anyone could take minutes and that she had done so while we were away. Councillor Harmsworth said that if she was offering to take minutes he had no objection to that. She stated this was not what she meant. The Secretary should take the minutes not her. It was the Secretary's job. It was pointed out that this was not what the Group wanted or agreed. She then swore, burst into tears and rushed out of the room.
13. Later that week she submitted complaints against both Councillor Harmsworth and myself to the Local Government Committee. Her complaint against me was



underperformance (I was not writing minutes and reports to a satisfactory standard in her opinion. I can produce ample evidence that I was). Her complaint against Councillor Harmsworth was that he had attacked her at a Group meeting (this referred to his questions concerning the minute taking). He had done this quietly and politely as all members attending the meeting could confirm. The complaints were referred back to Group to deal with as Group business. As Secretary I wrote asking for the full wording of the complaints as part had been missed off the paper I had. I was informed that Councillor Macdonald had withdrawn the complaints "in the interests of peace". I replied that that was probably wise particularly as there had been approximately 14 witnesses to what had occurred.

14. The Group's collective view was that she had succeeded in driving out the minute taker contrary to the Group's express decision. Members of the Group who knew what had been happening with the member of staff were angry and resentful of Councillor Macdonald's aggression and cruelty to the member of staff and the fact that she would stop at nothing to get her own way.
15. She also was responsible for the matter being reported to the regional Labour Party where her husband sits on regional appeals panels and knows regional officers. Out of the blue the Group received a letter from a London regional officer saying paying minute takers was costly and wasteful of Group funds. Group members wanted to know who had reported this to London. Councillor Macdonald denied having anything to do with this and told a Group meeting that "It's nothing to do with me". Later her husband admitted that he had done this on information she had given him. Their dishonesty and deceit were not appreciated by Group.
16. As the Labour Group had approached staff in the secretariat about minute taking in the first instance it is the Group's responsibility to deal with any matters arising from this.
17. When I became Chief Whip in May 2011 I arranged for the Group Fund account to be audited as part of my duties and particularly asked the auditor about inland revenue obligations. The auditor made a particular point of contacting HMRC and requesting the most up to date information available including petty cash payments for work. This information was all presented to Group. The auditor attended the Group meeting and answered members questions on accounts. He made a point of explaining the Group's tax situation to all members present. The Group agreed the audited accounts and had no further questions.
18. I believe it was Councillor Macdonald's systematic and unprovoked bullying of an innocent member of staff that caused her to lose the Deputy Leadership. Her lies and aggressive conduct towards others on occasion were contributory

factors also. She appears to be totally blind to her own faults and with little apparent awareness or care of the destructiveness of her behaviour on individuals or the Group. When asked about the officer she had attacked she is reported to have said that it was "all over" and she (Councillor Macdonald) had "moved on".

19. I have not attacked Councillor Macdonald in past months but sought to reason with her. Her attack on me was therefore as unprovoked as her attack on the member of staff but there is no doubt that it was just as deliberate. If I had not taken steps to defend myself and position as Chief Whip past experience has shown that she may well have kept up a concerted, bullying offensive against me and I was not prepared to suffer this.
20. Even against this background of limited information I submit that it is self-evident why the Group did not vote for Councillor Macdonald to continue as Deputy Leader.
21. I did not reveal the true extent of what was happening in the Group and with the member of staff in my interview on Monday 8 August because I didn't wish to detail such cruel behaviour or put the member of staff, who has suffered enough, in a difficult position. I think it was wrong of me not to be more open about these matters as it obscured the true situation.
22. In the meantime the member of staff has come to me and given me a short statement about Councillor Macdonald's bullying. With their consent I am submitting this with mine as corroborating evidence and now feel less constrained about giving information.
23. There are witnesses both in the officer body and amongst Group members to testify to the truth of my statement and I can supply names should this be necessary.



Councillor Janet Duncan

10th September 2011



**London Borough of Hillingdon Members' Code of Conduct –  
Investigation into complaint by Councillor Janet Duncan against  
Councillor Anita MacDonald**


**Note of interview with Councillor David Allam at 2.18 pm on Monday 15<sup>th</sup> August  
2011 at Hillingdon Civic Centre**

Mr Revell (TJR) introduced himself and said that at the request of the Monitoring Officer for the London Borough of Hillingdon (LBH) following a complaint received from Councillor Duncan he was conducting an investigation into the allegations she had made against Councillor MacDonald. Councillor Allam (DA) confirmed that he had received TJR's letter of 10<sup>th</sup> August 2011. TJR ran through the contents of the letter. DA confirmed that he had chosen not to be accompanied at the interview. TJR reiterated the need to keep the contents of the interview confidential. He outlined the procedure he was intending to follow. DA had no questions at this stage.

TJR asked DA about the arrangements for taking minutes at meetings of the Labour group and for remunerating the person carrying out this task. DA indicated that this matter had been discussed in the Labour group and it had been decided that a paid minute taker should be engaged as this would free up the group secretary to participate more actively in the meetings. DA indicated that he was in favour of this proposal. The Chief Whip would deal with the arrangements for engaging a minute taker and they would be paid from group funds. There had been several minute takers including staff from the group secretariat and more recently former Councillor Oswell. DA indicated that about a year ago an issue was raised in the group about whether it was appropriate to pay the minute taker in cash without deduction of tax and national insurance. At the time DA advised that if it were required he could suggest a company to deal with this through a payroll arrangement as they had carried out similar work for a voluntary organisation with which he was associated. However, although this was potentially an issue it became clear that the hours worked and the amounts paid did not require a payroll scheme so it was permissible to pay in cash.

The interview concluded at 2.35 pm.

I certify this note is a true record of the interview conducted with Tim Revell on 15<sup>th</sup> August 2011.

  
Signed

15/8/2011  
Date

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**London Borough of Hillingdon Members' Code of Conduct –  
Investigation into complaint by Councillor Janet Duncan against  
Councillor Anita MacDonald**


**Note of interview with Councillor Peter Curling at 5.58 pm on Monday 15<sup>th</sup> August  
2011 at Hillingdon Civic Centre**

Mr Revell (TJR) introduced himself and said that at the request of the Monitoring Officer for the London Borough of Hillingdon (LBH) following a complaint received from Councillor Duncan he was conducting an investigation into the allegations she had made against Councillor MacDonald. Councillor Curling (PC) confirmed that he had received TJR's letter of 10<sup>th</sup> August 2011. TJR ran through the contents of the letter. PC confirmed that he had chosen not to be accompanied at the interview. TJR reiterated the need to keep the contents of the interview confidential. He outlined the procedure he was intending to follow. PC had no questions at this stage.

TJR indicated that he wished to ask PC about a conversation he was alleged to have had with Councillor Duncan about the Labour group fund referred to in appendix 5 of the documents considered by the Assessment Sub-Committee. PC responded that although he had heard the phrase 'slush fund' used about the Labour group fund he had not had any conversation with Councillor Duncan about it nor had he heard her use that phrase. He had no knowledge about how the fund had been used.

The interview concluded at 6.05 pm.

I certify this note is a true record of the interview conducted with Tim Revell on 15<sup>th</sup> August 2011.

  
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Signed

18/8/2011  
.....  
Date

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**London Borough of Hillingdon Members' Code of Conduct –  
Investigation into complaint by Councillor Janet Duncan against  
Councillor Anita MacDonald**

**Note of interview with Councillor Anita MacDonald at 5.30 pm on Thursday 18<sup>th</sup>  
August 2011 at Azalea Close, Eastcote**

Mr Revell (TJR) introduced himself and said that at the request of the Monitoring Officer for the London Borough of Hillingdon (LBH) following a complaint received from Councillor Duncan he was conducting an investigation into the allegations she had made against Councillor MacDonald. Councillor MacDonald (AM) confirmed that she had received TJR's letter of 16<sup>th</sup> August 2011. TJR ran through the contents of the letter. AM confirmed that she had chosen not to be accompanied at the interview. TJR reiterated the need to keep the contents of the interview confidential. He outlined the procedure he was intending to follow. AM had no questions at this stage.

TJR asked AM to set out the circumstances leading to her sending the e-mails that gave rise to the complaint. AM indicated that issues around the Labour group fund were the significant factor. Before she became Deputy Leader in May 2010 she had known little about the operation of the fund although she had paid into it even when her personal circumstances had been difficult. Not all members had paid into the fund. Together with Councillor Garg who had become Chief Whip in May 2010 she asked to see the accounts from 2006 to 2010 when Councillor Harmsworth was Chief Whip. She was concerned about payments in cash to staff in the group secretariat, for meals and for gifts to officers. AM felt that when she and Councillor Garg starting asking questions about the fund Councillors Duncan and Harmsworth who did know how it had been used acted against them. In July/August 2010 Councillor Garg was accused of not revealing a police caution for domestic violence that he had previously received and was suspended from the Labour group. AM believed that Councillor Harmsworth had known about this for some years but only acted upon it when Councillor Garg asked questions about the Labour group fund. AM indicated that there would be a Labour party investigation into the group fund and Councillor Duncan had made the complaint to the standards committee in order to delay this investigation.

AM believed that she had been ostracised by Councillors Duncan and Harmsworth who had organised a political whispering campaign against her which had led to her losing the Deputy Leadership in May 2011. AM indicated that she had been accused of bullying, particularly with regard to a member of staff in the group secretariat. She denied that she had been involved in bullying. However, she accepted that she could sometime express herself in a forthright or even impulsive manner but this was not consistent with bullying which involved a pattern of behaviour. She believed though that the actions of Councillors Duncan and Harmsworth over a period of time in ignoring her and denigrating her did amount to bullying. TJR asked whether this could be regarded as political discourse which could often be conducted in a robust manner. AM thought it went beyond what could be regarded as reasonable.

cilr macdonald interview 18.8.11

  
Handwritten signature and date: 23/8/11




AM was unhappy when she discovered that staff in the secretariat were paid in cash to take the minutes of group meetings as she thought that this was potentially unlawful. She raised this with the Leader, Councillor Khursheed, but as nothing was done then with the manager responsible for the secretariat and finally with the Head of Democratic Services. The practice then ceased and AM explained her reasons to the member of staff concerned. She thought that the matter should have been resolved within the group as it gave a bad impression of how it operated.

TJR asked AM if she regretted the use of language in her e-mails to Councillor Duncan. AM said that she regretted sending the e-mails and the language used in them. She was angry at the situation and wanted to confront the issue head on. TJR asked why the e-mails had been copied to all Labour councillors. AM responded that as the issue of the group fund affected all Labour councillors it was appropriate to alert them all to the concerns she had.

The interview concluded at 6.10 pm.

I certify this note is a true record of the interview conducted with Tim Revell on 18<sup>th</sup> August 2011.

  
.....  
Signed

3/8/11  
.....  
Date

**London Borough of Hillingdon Members' Code of Conduct –  
Investigation into complaint by Councillor Janet Duncan against  
Councillor Anita MacDonald**

**Note of interview with Councillor Lynne Allen at 1.38 pm on Tuesday 23<sup>rd</sup> August  
2011 at Hillingdon Civic Centre**


Mr Revell (TJR) introduced himself and said that at the request of the Monitoring Officer for the London Borough of Hillingdon (LBH) following a complaint received from Councillor Duncan he was conducting an investigation into the allegations she had made against Councillor MacDonald. Councillor Allen (LA) confirmed that she had received TJR's letter of 18<sup>th</sup> August 2011. TJR ran through the contents of the letter. LA confirmed that she had chosen not to be accompanied at the interview. TJR reiterated the need to keep the contents of the interview confidential. He outlined the procedure he was intending to follow. LA had no questions at this stage.

TJR indicated that he wished to ask LA about a conversation she was alleged to have had with Councillor Duncan about the Labour group fund referred to in appendix 5 of the documents considered by the Assessment Sub-Committee. LA indicated that when she had been Chief Whip she advised the Labour group that she did not think it appropriate for the Chief Whip to act as treasurer for the fund. The group had agreed and the late Councillor Nunn-Price took on this role which he carried out correctly. Any suggestion otherwise would tarnish the reputation of an honest and upright person. Her view was that former Councillor Marshall was an honest man and it was incorrect to describe him as having a 'slush fund'. LA thought that the fund had always been handled properly.

LA indicated that she had not had a conversation where Councillor Duncan had referred to a 'slush fund' but that the conversation was about whether all members should contribute to the fund. In the past contributions had been voluntary but the rules now required all members to contribute in accordance with arrangements agreed by the group.

The interview concluded at 2.00 pm.

I certify this note is a true record of the interview conducted with Tim Revell on 23<sup>rd</sup> August 2011.

  
.....  
Signed

25 August 2011  
.....  
Date

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## Declaration of Acceptance of Office

I<sup>(1)</sup>, ANITA GRACE MACDONALD

having been elected to the office of<sup>(2)</sup> COUNCILLOR

of the<sup>(3)</sup> LONDON BOROUGH OF HILLINGDON

DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

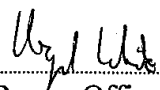
I undertake to observe the Code as to Conduct which is expected of members of the<sup>(3)</sup>

LONDON BOROUGH OF HILLINGDON

Date: 6<sup>th</sup> May 2010

(Signature) 

This declaration was made and subscribed before [me] [us]

  
<sup>(4)</sup>[Member(s)] [Proper Officer] of the Council

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## PART 5 - CODES

# A

### MEMBERS' CODE OF CONDUCT – A

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#### The Local Authorities (Model Code of Conduct) Order 2007

ADOPTED PURSUANT TO A RESOLUTION OF THE COUNCIL  
AT A MEETNG ON 28 JUNE 2007

#### Part 1

#### General provisions

##### Introduction and interpretation

1. —(1) This Code applies to you as a member of the London Borough of Hillingdon (called in this Code "the authority").

(2) You should read this Code together with the general principles prescribed by the Secretary of State and set out in the Appendix.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

##### Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another authority to which the Local Government (Model Code of Conduct) Order 2007 applies, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General obligations**

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## Part 2

### Interests

#### Personal interests

8. —(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

#### **Disclosure of personal interests**

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and



nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

#### **Prejudicial interest generally**

**10.** —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

**Prejudicial interests arising in relation to overview and scrutiny committees**

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

**Effect of prejudicial interests on participation**

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
  - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
  - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving

evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### Part 3

#### Registration of Members' Interests

##### Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

##### Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.



## The Ten General Principles of Public Life

### ***Selflessness***

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

### ***Honesty and Integrity***

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### ***Objectivity***

3. Members should make decisions on merit including when making appointment, awarding contracts, or recommending individuals for rewards or benefits.

### ***Accountability***

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### ***Openness***

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

### ***Personal Judgement***

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

### ***Respect for Others***

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

### ***Duty to Uphold the law***

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

### ***Stewardship***

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

### ***Leadership***

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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Record of Conversation with Dominic Gilham 28 June 2011

On 28 June there was a Central and South Planning Committee meeting which I attended as a committee member. Dominic Gilham is a Conservative councillor on the committee. During the break at 9.00 pm I asked to speak with Dominic privately and he agreed.

I told him that Paul Harmsworth, my partner, had told me about comments Dominic had made to him to the effect that Anita (Macdonald) didn't like Paul. I asked Dominic if he would tell me what Anita said.

Dominic said Anita had made it clear she really didn't like both me and Paul and had spoken about us in derogatory terms and very strong dislike. I asked him if she had said why she hated us so much. He said it was because of Sid Garg. She had made it clear that Paul and I were against Sid and this was the reason for her feelings on the matter.

Dominic queried that she supported Sid and she made it clear that she did support him and that Sid supported her.

I asked Dominic if he would make a statement on this and he said no he would not because Anita had spoken to him privately and not in public. He had a working relationship with Anita but liked Paul and myself which was why he had told us. He said he thought we would already know she didn't like us and I said yes we did know.

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