

**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