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## HERTSMERE BOROUGH COUNCIL STANDARDS COMMITTEE

STANDARDS ASSESSMENT PANEL - 27 June 2017

### ASSESSMENT DECISION

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<b>Case No:</b>	<b>HBC/2017 /001</b>
<b>Complainant:</b>	<b>Councillor Pat Strack Borehamwood &amp; Elstree Town Council</b>
<b>Subject Member:</b>	<b>Councillor Michelle Vince Hertsmere Borough Council</b>
<b>Date Complaint Received:</b>	<b>20 February 2017</b>

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#### **Summary of Complaint:**

The complainant alleged that Councillor Michelle Vince of Hertsmere Borough Council re-posted on the pages of Borehamwood Not Elstree Facebook Group, a photograph of the complainant and Councillor Sandra Parnell of Borehamwood & Elstree Town Council enjoying afternoon tea at 'The Gherkin' in London in the company of other persons. It was further alleged that Councillor Vince had copied the photograph from the Facebook account of Councillor Sandra Parnell without her consent and that when re-posted on the pages of the Borehamwood Not Elstree Facebook Group, included comments that alleged corrupt and improper conduct on the part of the complainant and Councillor Parnell

#### **Potentially Relevant provisions of the Members Code of Conduct of Hertsmere Borough Council**

##### Paragraph 2.2

This Code has effect in relation to your conduct in an official capacity

##### Paragraph 3.1

You must treat others with respect

##### Paragraph 3.3 (e)

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;

#### **Members of the Standards Assessment Panel**

Councillor Peter Knell - Chairman of Standards Committee (Chairman)

Mr. Jagat Chatrah - Independent Person

Harvey Patterson - Monitoring Officer, Hertsmere Borough Council

#### **Panel Decision**

That no further action be taken in respect of the complaint.

### Reasons for Decision

- A review of the re-posted photograph and related comments revealed that Councillor Vince had utilised a private e-mail address throughout and that her remarks did not refer any of the functions and responsibilities of Hertsmere Borough Council
- Paragraph 2.1 of the Members Code of Conduct of Hertsmere Borough Council provided that the Members must comply with the Members Code of Conduct when conducting the business of the Council, or acting, claiming to act or giving the impression that they were acting, as a representative of the Council.
- Paragraph 2.2 of the Members Code of Conduct further provided that the Code only had effect in relation to their conduct when they acted in an 'official capacity'; that is to say, the Members Code of Conduct did not apply to the conduct of members when they acted in a private capacity.
- Although the Panel did not condone the conduct of Councillor Vince in re-posting a photograph from Councillor Parnell's Facebook account to the pages of the Borehamwood Not Elstree Facebook Group, nor did the Panel condone the comments made by Councillor Vince which in the view of the Panel inferred improper conduct on the part of the complainant and Councillor Parnell, there was nothing to suggest that in so doing Councillor Vince was acting in an official capacity as a member of Hertsmere Borough Council or that she was acting, claiming to act or giving the impression that she was acting, as a representative of Hertsmere Borough Council.
- As it was clear that the complaint related to the conduct of Councillor Michelle Vince in a private capacity, it followed that such conduct could not constitute a failure on the part of Councillor Vince to comply with the requirements of the Members Code of Conduct of Hertsmere Borough Council.

### Finality of Decision

There is no right to appeal the decisions of the Standards Assessment Panel

### Distribution

In accordance with the Council adopted arrangements, copies of this decision will be provided to:-

- The Subject Member:- Councillor Michelle Vince of Hertsmere Borough Council
- The Subject Member's Group Leader:- N/A
- The Complainant:- Councillor Pat Strack of Borehamwood & Elstree Town Council

Signed .....



Date 17 July 2017

**Monitoring Officer - on behalf of Chairman of the Standards Assessment Panel**