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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 /002</b>
<b>Complainant:</b>	<b>Councillor Paul Morris Hertsmere Borough Council</b>
<b>Subject Member:</b>	<b>Councillor Michelle Vince Hertsmere Borough Council</b>
<b>Date Complaint Received:</b>	<b>20 April 2017</b>

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

The complainant alleged that Councillor Michelle Vince of Hertsmere Borough Council had made personal attacks on himself and Councillor Susan Brown on Facebook by alluding to the fact that Councillor Brown was a tenant of a property in Hertsmere owned by a company connected to the complainant. The complainant further alleged that Councillor Vince had thereby placed Councillor Brown and her family at risk because the location of their place of residence was protected by a court order and members of the public reading Councillor Vince's comments may have been able to identify that address by inspecting the complainant's entries in the Register of Members Interests. As a result, the complainant considered that Councillor Vince had:-

- conducted herself in a manner that brought her office or the Council into disrepute;
- failed to treat others with respect;
- disclosed confidential information;
- misused resources for party political purposes;
- placed the safety of Councillor Susan Brown and her family at risk

#### **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 other 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;

#### Paragraph 4.1 (a)

You must not 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

#### Paragraph 5.1(b)

You 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);

#### **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**

1. The Panel noted that:-

- Councillor Michelle Vince and Councillor Susan Brown were both candidates for rival parties in the County Council elections and that the Facebook postings complained of referred to an election leaflet published by the political party of which Councillor Brown was a member;
- In that election leaflet Councillor Brown referred to the fact she lived in Borehamwood with her husband and four grandchildren;
- The address in Borehamwood where Councillor Brown lived - which the complainant alleged was confidential and protected by a court order - was in fact given by Councillor Brown in her nomination form for the County Council elections, which address was duly published by the Deputy County Returning Officer in the Statement of Nominations and then printed on the ballot papers for the electoral division in which Councillor Brown was a candidate.

2. Paragraph 2.1 of the Members Code of Conduct of Hertsmere Borough Council provides 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 are acting, as a representative of the Council.
3. Paragraph 2.2 of the Members Code of Conduct further provides that the Code only had effect in relation to a Member when they act in an 'official capacity'; that is to say, the Members Code of Conduct does not apply to the conduct of members when they act in a private capacity.
4. Even if Councillor Vince had been acting in an official capacity, the complaint did not disclose any evidence that in her postings on Facebook she had misused any of the resources of Hertsmere Borough Council or disclosed any information given to her in confidence or of a confidential nature, nor, by alluding to an address that was already in the public domain by virtue of Councillor Brown's candidacy in the County Council elections, could it be said that Councillor Vince had placed the safety of Councillor Brown or her family at risk.
5. Although the Panel did not condone the comments made by Councillor Vince, there was nothing in her remarks to suggest that she 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. On the contrary, it appeared to the Panel that Councillor Vince was acting in a private capacity; namely that of a candidate in the County Council elections.
6. As the complaint related to the conduct of Councillor Vince in a private capacity, it followed that such conduct could not in any circumstances 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**

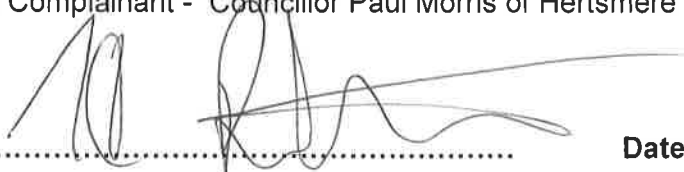
There is no right to appeal the decisions of the Standards Assessment Panel

### **Distribution**

In accordance with the Council's 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 Paul Morris of Hertsmere Borough Council

Signed .....



Date 17 July 2017

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

