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HERTSMERE BOROUGH COUNCIL STANDARDS COMMITTEE

STANDARDS ASSESSMENT PANEL - 21 August 2020

ASSESSMENT DECISION

Case No:	HBC/2020/004
Complainant:	Dr Dan Ozarow
Subject Member:	Councillor Paul Morris OBE of Hertsmere Borough Council
Date Complaint Received:	10 May 2020

Summary of Complaint:

The complainant alleges that on 11 February 2020 Councillor Paul Morris OBE as the sole Director of BHE Hub Limited posted an advert on and LED Display Board mounted on the BHE Hub at Vision House Borehamwood that contained information about the complainant that was untrue and defamatory, intended to incite racial hatred against the complainant and designed to harm the complainants prospects in the (then) forthcoming by-election for a vacancy in the Borehamwood Kenilworth ward in respect of which the complainant was a candidate.

Potentially Relevant provisions of the Members Code of Hertsmere Borough Council

Paragraph 2.1

You must comply with this Code whenever you: (a) conduct the business of your authority, or (b) act, claim to act or give the impression you are acting as a representative of your authority

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 3.2

You must uphold the law

Paragraph 3.3 (a)

You must not do anything which may cause your authority to breach any of the equality enactments

Paragraph 3.3 (b)

You must not bully any person

Paragraph 5.1(a)

You 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;

Members of the Standards Assessment Panel

Councillor Alan Plancey - Chairman of Standards Committee (Chairman)

Mr. Clifford Shanbury - Independent Person

Harvey Patterson - Monitoring Officer, Hertsmere Borough Council

Panel Decision

That no further action be taken in relation to the complaint.

Reasons for Decision

The Monitoring Officer informed the Panel that he had received an email from Councillor Morris explaining the corporate structure in relation to the LED Display Screen erected on the side of Vision House, Station Road Borehamwood. Vision House was owned by BHE Limited, a company of which Councillor Morris was a minority shareholder and sole director. The LED Display Screen was run and managed by BHE Hub Limited, a wholly owned subsidiary of BHE Limited. Hertsmere Times Limited - being the provider of the content complained of - was also a wholly owned subsidiary of BHE Limited. Councillor Morris was also the sole director of these two companies. The registered office of all three companies was Vision House.

The Panel noted that the Members Code of Conduct of Conduct for Hertsmere Borough Council only applied to members when they acted in an official capacity which would include when they conducted the business of the Council or acted, claimed to act, or gave the impression that they were acting as a representative of the Council.

Although the Panel considered that as the sole director of BHE Limited, BHE Hub Limited and Hertsmere Times Limited, Councillor Morris was able to control the content published on the LED Display Screen, the Panel did not consider that Councillor Morris was acting in an official capacity. In publishing the material complained, Councillor Morris was not conducting any of the business of the Council, nor, as 'Hertsmere Times' was not a Council publication or held itself out to be a Council publication, was Councillor Morris acting, claiming to act or giving the impression that he was acting as a representative of Hertsmere Borough Council.

If Councillor Morris was not acting in an official capacity when the content complained of was published, the Members Code of Conduct did not apply to him. Accordingly, no further action would be taken in relation to the complaint.

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 Paul Morris OBE of Hertsmere Borough Council
- The Complainant: Dr. Dan Ozarow.
- The Subject Members' Group Leader: Councillor Morris Bright MBE.

Signed



Date 9 September 2020

Monitoring Officer

For and on behalf of Chairman of the Standards Assessment Panel

