

Case Summary - Broughton Parish Council

Case no. SBE-10155-206OD
Member(s): Councillor Brian Lancaster
Date received: 13 Apr 2010
Date completed: 23 Feb 2011

Allegation:

It was alleged that Councillor Lancaster was an active participant in an in-quorate meeting which took a number of decisions involving the then clerk of the Parish Council. These decisions involved such matters as instructing her to attend a disciplinary meeting and freezing the council bank accounts and were relayed to her in a letter. The meeting did not have the authority to take these decisions. It was alleged that by attempting to make these decisions that Councillor Lancaster attempted to bully and intimidate the clerk.

Standards Board outcome:

The ethical standards officer found that the member failed to comply with Paragraph 5 of the Code of Conduct and brought his office as councillor into disrepute, but in the circumstances of the case, no further action needed to be taken

Case Summary

It was alleged that Councillor Lancaster was an active participant in an in-quorate meeting which took place on the 21st February 2010 following the resignation of ten parish councillors. At this meeting a number of decisions involving the then clerk of the parish council were taken in her absence and then relayed to her in a letter. These decisions were that she should return all council property; that the council bank accounts were to be frozen; and that she was to attend a disciplinary meeting in the village hall on 23 February 2010 to be chaired by Councillor Lancaster.

The Ethical Standards Officer found that Councillor Lancaster did not have the authority to take the decisions set out in the letter. She also found that Councillor Lancaster and the clerk had a long history of disagreements and that Councillor Lancaster had a personal enmity for Mrs Hunter. Consequently, whilst the Ethical Standards Officer had some sympathy for the decision to freeze the bank accounts following the resignation of the ten councillors, she could not condone the decision to call a disciplinary hearing for the clerk, at very short notice, at which Councillor Lancaster was to be the chair. By seeking to establish such a hearing, the Ethical Standards Officer came to the view that Councillor Lancaster could be construed to be seeking to pursue his personal dislike of the clerk through his office as a councillor.

She therefore found that in this instance Councillor Lancaster had brought his office into disrepute contrary to paragraph 5 of the code of conduct.

While the Ethical Standards Officer found that Councillor Lancaster had brought his office into disrepute, the disciplinary hearing did not take place as the clerk was aware Councillor Lancaster did not have the authority to convene such a hearing. Also, after receiving advice from the Chief Executive and Leader of Allerdale Council, Councillor Lancaster sought to rescind the decision to hold such a hearing. In addition, Councillor Lancaster did not draft the letter to the clerk which contained the decisions and did not see it before it was despatched. For these reasons, the Ethical Standards Officer considered that no further action needed to be taken.

Relevant paragraphs of the Code of Conduct

Paragraph 5, Disrepute

25 February 2011