

PROCEEDINGS

A meeting of the Lancaster City Council was held at the Town Hall, Morecambe, at 2.00 p.m. on 12th February, 2003 when the following Members were present:-

J. Airey	Patricia Heath
Eve Ashworth	H. R. Helme
June Ashworth	J. Horner
David Barker (part)	E. E. Jones
Ian Barker	D. Kerr
J. Barry	J. E. Kirkman
M. E. Blamire (Mayor)	G. Knight
A. Briggs	Philip Lee
A. C. Bryning	J. R. Mace
K. W. Budden	P. Morris
S. Burns	T. B. Penney
S. Charles	J. Pritchard
R. J. Day	P. M. Quinton
S. E. Denwood	J. Ravetz
G. Dowding	R. Redfern
P. Y. England	S. Rostron
T. E. Evans	R. J. Sherlock (Deputy Mayor)
S. M. D. Fishwick	C. Simpson
J. Gilbert	A. M. B. Wade
C. Grattan	D. Whitaker (part)
M. D. Greenall	G. K. Wilson
J. T. Harrison	P. Woodruff
Emily Heath	

139 APOLOGIES

Apologies were received from Councillors G. Beaman, J. Fretwell, S. Greaves, T. A. Pinkney, P. Robinson, E. Scott, J. Taylor, N. Westwell and J. E. Yates.

140 MINUTES

Minutes of the proceedings of the City Council of 15th January 2003 were signed by the Mayor as a correct record.

141 HONORARY ALDERMAN IVY WELLDRAKE

The Mayor reminded Council of the recent death of Honorary Alderman Ivy Well Drake who had been elected to the Council in May 1966 and admitted as an Honorary Alderman in July 1983. Mrs Well Drake had also been the Mayor of the City in 1979/80.

Council stood for a minute's silence in her memory.

142 FORMER COUNCILLOR DEBBIE LEE

The Chief Executive announced the resignation of Councillor Debbie Lee the previous day on the grounds of ill health. He advised that a formal report would be prepared for the next ordinary meeting of Council on 26th February 2003 should there be any change to the Council's PR.

143 PROCEEDINGS OF CABINET

A report was submitted setting out a summary of Key Decisions taken to 7th January 2003 together with urgent decisions taken by Cabinet which had required immediate implementation in accordance with Review Board Procedure Rule 17.

Members asked a number of questions of Cabinet on the Minutes of the meeting of 7th January 2003.

Resolved:

That the report be received.

144 PARTNERSHIP EXPENSES SCHEME

Council considered a report of the Internal Affairs Review Board from its meeting on 20th January 2003 which recommended a Policy Document setting out terms and conditions for the repayment of expenses incurred as a result of partnership working.

The recommendation of the Review Board to adopt the Partnership Expenses Scheme was moved by Councillor J. R. Mace and seconded by Councillor Ian Barker.

It was then moved by Councillor P. England and seconded by Councillor Emily Heath by way of amendment:-

"That the Partnership Expenses Policy be approved subject to the addition of MAPfED as an additional approved meeting."

On being put to the vote both the amendment and substantive motion were clearly carried.

Resolved:

That, in order to facilitate effective representative partnership working, the Partnership Expenses Scheme be approved subject to the inclusion of MAPfED as an additional partnership meeting

145 REGIONAL GOVERNMENT

Members considered a report of the External Affairs Review Board from its meeting on 21st January 2003 on a number of issues concerning Regional Government.

It was noted that consultation was being undertaken on the level of interest in the region on holding a referendum about establishing an elected regional assembly in the North West. The Government was also requesting the views of the Council on draft guidance issued by the Secretary of State setting out the scope and range of issues seen as being material for the Boundary Commission's consideration of Local Government structures.

The Review Board had also debated the issue raised by Hilton Dawson MP in his address to Council in December (Minute No. 111 refers) on proposals to launch a campaign to make a bid for Lancaster to be the location for an elected North West Regional Assembly should one be established.

The Review Board were recommending support for both a referendum and the campaign for Lancaster but had suggested that Groups put forward proposals on the issue of guidance to the Boundary Commission for debate at Council.

It was moved by Councillor Ian Barker and seconded by Councillor A C Bryning:-

- (1) That the Council recognises that an effective Unitary Authority with Social Services and Education functions would need to include a much larger population than that included in the present boundaries of Lancaster City Council. It sees merit in the ideas that the boundaries should be coterminous with those of the Primary Care Trust.
- (2) That the Council support a referendum being held in the Region and that the level of interest be strong in response to Question 7 of the soundings exercise proforma.
- (3) That the Council supports the campaign by Hilton Dawson MP for Lancaster to be the location for an elected North West Regional Assembly.

It was then moved by Councillor J. Barry by way of amendment, and with the agreement of the meeting accepted by the proposer, as a friendly amendment to recommendation (3):-

- (3) That the Council supports in principle, the campaign by Hilton Dawson MP for Lancaster to be the location for an elected North West Regional Assembly, but does not assign a budget to supporting the campaign.

On being put to the vote many Members voted for the proposition, 1 against, and 8 abstained whereupon the Mayor declared the proposition clearly carried.

Resolved:

- (1) That the Council recognises that an effective Unitary Authority with Social Services and Education functions would need to include a much larger population than that included in the present boundaries of Lancaster City Council. It sees merit in the ideas that the boundaries should be coterminous with those of the Primary Care Trust.

- (2) That the Council support a referendum being held in the Region and that the level of interest be strong in response to Question 7 of the soundings exercise proforma.
- (3) That the Council supports in principle, the campaign by Hilton Dawson MP for Lancaster to be the location for an elected North West Regional Assembly, but does not assign a budget to supporting the campaign.

146 CASTLEREAGH BOROUGH COUNCIL NOTICE OF MOTION: INDEPENDENT INQUIRY

A report was submitted by the External Affairs Review Board relating to a request from Castlereagh Borough Council to support their call for an independent inquiry into the death of a Royal Irish soldier.

The Review Board believed that such support would be appropriate due to their concern about the number of unnatural deaths within the armed forces and expressed the hope that a review of these would result from such an inquiry.

The recommendation of the Review Board was moved by Councillor P. Woodruff and seconded by Councillor P. M. Quinton.

There was some concern that there was also a pressing need the issue of procedures for dealing with bullying and harassment in the armed forces to be addressed, but it was felt that this went beyond what was being asked of the Council at the present time.

On being put to the vote, 27 Members voted for the proposition, 8 against and 4 abstained, whereupon the Mayor declared the proposition carried.

Resolved:

That the Council supports Castlereagh Borough Council's Notice of Motion calling for an independent inquiry into the death of a Royal Irish soldier as they are concerned about the number of unnatural deaths within the armed forces and hope that a review of these will be the result of the inquiry.

147 FREIGHT STRATEGY CONSULTATION

(Councillor A. C. Bryning declared a personal interest in the following item of business.)

Members considered a report of the Community Services Review Board from its meeting on 23rd January 2003 recommending a response to the draft North West Freight Strategy prepared by the North West Freight Strategy Group.

The recommendation of the Review Board was moved by Councillor A. C. Bryning and seconded by Councillor J. Ravetz.

On being put to the vote the Mayor declared the proposition clearly carried with many members voting for, 3 against and 3 abstentions.

Resolved:

That the Council submit a response to the draft North West Freight Strategy on the lines set out in the report including a reference to Glasson Dock within Section C, Ports and Waterways.

148 GENERAL FUND CAPITAL PROGRAMME

Members considered a report submitted from the Cabinet Meeting of 4th February 2003 setting out proposals for balancing the Capital Programme for the period 2003/04 to 2007/08.

Councillor G. K. Wilson, Cabinet Member with responsibility for Internal Affairs, had circulated to Members a detailed draft proposal in respect of Private Housing projects for 2003/04 and as a consequence moved an amended schedule of proposed Capital Scheme reduction and consequential Capital Programme, which was seconded by Councillor Patricia Heath.

It was then moved by Councillor J. R. Mace and seconded by Councillor S. M. D. Fishwick:, by way of amendment:-

- "(1) That the proposed reprofiling of Happy Mount Park Development be not adopted.
- (2) That the Local Land and Property Gazetteer be deleted from the programme at a saving of £210,000 and that the Rural Recreation Scheme be retained at a cost of £25,000 in each year 2003/08 (total £125,000), so producing a net surplus of £85,000 for future capital schemes.
- (3) That Car Park Improvement be reduced by £15,000 to £35,000 and that the budget for I.T. be increased by £2,000 for implementation of a trial video conferencing facility linking Morecambe Town Hall and Lancaster Town Hall, so producing a net surplus of £13,000 for future capital schemes."

There was a general feeling amongst Members however, that they required more time to consider the proposals being put forward by Cabinet and other proposed amendments, and Councillor J. R. Mace withdrew his amendment.

It was then moved by Councillor Ian Barker by way of further amendment, and with the agreement of the meeting accepted as a friendly amendment, that consideration of the proposals put forward by Councillor G. K. Wilson and the consequential balanced Capital Programme be deferred to the next ordinary meeting of the City Council on 26th February 2003.

On being put to the vote, the Mayor declared the proposition clearly carried.

Resolved:

That further consideration of the Capital Programme for 2003/04 to 2007/08 be deferred to the meeting of Council on 26th February 2003.

149 HOUSING REVENUE ACCOUNT 2003/04 - REVENUE BUDGET AND CAPITAL PROGRAMME

Council considered a report of Cabinet from its meeting on 4th February 2003 which set out its decisions and recommendations in relation to the Housing Revenue Account Budget and Capital Programme for 2003/04 and subsequent years.

The recommendations of Cabinet were moved by Councillor J. Gilbert and seconded by Councillor David Barker.

On being put to the vote the Mayor declared the propositions clearly carried.

Resolved:

- (1) That the Housing Revenue Account Budget for 2003/04 as set out in Appendix 1 to the Minutes be approved.
- (2) That the five year Council Housing Capital Programme set out in Appendix 2 to the Minutes be approved.
- (3) That the setting of Average Housing Rent for the year commencing 1st April 2003 at £45.17 in line with the Government's Limit Rent be noted.

150 GENERAL FUND REVENUE BUDGET 2003/04

Council considered a report of Cabinet from its meeting on 4th February 2003 setting out the Cabinet's recommendations for the 2003/04 Budget. The proposals required that the budget be set at £18.969M, resulting in a 6.2% increase in Council Tax.

It was noted that this relied upon a saving of £250,000 in relation to vacant posts and that it had been agreed that a meeting take place consisting of two representatives of each political group and the two non-aligned Councillors, to consider how this target could be achieved.

The recommendations of Cabinet were moved by Councillor G. K. Wilson and seconded by Councillor Patricia Heath as follows:-

- "(1) That Council note the current position regarding the Revenue Budget provision and the resolutions of Cabinet as set out in Annex 2 to the report.
- (2) That the General Fund Revenue Budget for 2003/04 be set at £18.969M, resulting in a 6.2% increase in Council Tax.
- (3) That the savings and growth proposals set out in Annexes 3 and 4 to the report be approved."

It was then moved by Councillor J. Barry and seconded by Councillor Emily Heath, by way of amendment to recommendation (3) above:-

"That the savings and growth proposals set out in Annexes 3 and 4 to the report be amended as follows:

Savings	£000's
Delete:	
Local Agenda 21	2
Economic Development and Marketing	15
Add:	
Economic Development and Marketing	20
Tourism Marketing Budget	10
Civic Receptions and Mayoral Functions	3
Member Training	18
Lancaster Market Festival	13
Savings Summary:	
Cabinet proposed savings	118
Green Group additional savings	64
Total	182

Growth	£000's
Delete:	
Regeneration Capacity	20
CCTV Staffing	12
Add:	
Engineering additional staff	23.7
St Wilfrid's and Forest Park	5.3
Growth Summary:	
Cabinet proposed growth	137
Green Group additional growth	29
Total	166

resulting in a General Fund Revenue Budget for 2003/04 of £18.919M and a 5.3% increase in Council Tax."

There followed some debate as to whether Members wished to finalise the details of the Budget at this point and it was felt that whilst the budget level should be set to enable the Council Tax calculation to be undertaken, further consideration of the details to be contained within the budget should be deferred to the meeting on 26th February 2003.

With the agreement of the meeting therefore, Councillor J. Barry and Councillor Emily Heath withdrew their amendment and Councillor G. K. Wilson and Patricia Heath agreed to withdraw recommendation (3) above and to move:-

"(3) That the savings and growth proposals put forward by Cabinet be noted at this stage, and further consideration deferred to the meeting of Council on 26th February 2003."

It was then moved by Councillor J. Barry and seconded by Councillor Emily Heath by way of addendum:-

(4) That Officers be requested to report on the financial implications of increasing the Benefits section so that it is in the 50th percentile rather than the top 25th percentile.

A separate vote was taken on each element of the proposition and on recommendations (1), (3) and (4) above the Mayor declared the propositions clearly carried.

In relation to recommendation (2) above, 18 members voted for the proposition, none against and many abstained whereupon the Mayor declared the proposition carried.

Resolved:

- (1) That Council note the current position regarding the Revenue Budget provision and the resolutions of Cabinet as set out in Annex 2 to the report.
- (2) That the General Fund Revenue Budget for 2003/04 be set at £18.969M, resulting in a 6.2% increase in Council Tax.
- (3) That the Savings and Growth proposals put forward by Cabinet be noted at this stage and further consideration deferred to the meeting of Council on 26th February 2003.
- (4) That Officers be requested to report on the financial implications of increasing the Benefits section so that it is at the 50th percentile rather than the top 25th percentile.

151 QUESTIONS UNDER COUNCIL PROCEDURE RULE 10

The Mayor advised that the opportunity had now been formally included for members of the public to submit questions in accordance with Council Procedure Rule 10. She further advised that none had, on this occasion, been received.

It was noted that on future Agenda this item would be included near the start of the meeting.

152 QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.2

The Chief Executive advised that a two questions had been received of which notice had been given in accordance with the provisions of Council Procedure Rule 11.2 and 11.4 as follows:-

- (a) Question from Councillor S. M. D. Fishwick to Councillor S. Burns, Chairman of the Personnel Committee in relation to the inclusion of an Item of Urgent Business at the meeting of 14th January 2003.
- (b) Councillor S. M. D. Fishwick to Councillor Patricia Heath, Leader of the Council, in relation to standards of behaviour.

Details of the questions and answers and supplementary questions and responses are set out at Appendix 3 to the Minutes.

153 MAYORALTY 2003/04

Further to Minute No. 137 the Chief Executive advised that following the decision of Council to invite Councillor A. Briggs to be Mayor for the year 2003/04, he had now withdrawn his acceptance of this offer. The Chief Executive had therefore contacted the next most senior Member of the Council in accordance with the Constitution, Councillor J. Gilbert, and he had indicated that he would be happy to accept such an invitation.

It was moved by Councillor P. M. Quinton and seconded by Councillor J. E. Kirkman:-

"That Councillor J. Gilbert be invited to hold the office of Mayor of the City of Lancaster for the Municipal Year 2003/04 subject to his re-election in May 2003."

On being put to the vote the Mayor declared the proposition clearly carried.

Resolved:

That Councillor J. Gilbert be invited to hold the office of Mayor of the City of Lancaster for the Municipal Year 2003/04 subject to his re-election in May 2003.

154 MEETINGS TIMETABLE

Council considered a report of the Chief Executive which set out a proposed Timetable of Meetings for the year 2003/04 which has been devised to improve upon the reporting process between Review Boards, Cabinet and full Council.

Members' attention was also drawn to the need to agree arrangements for the Annual Council Meeting following the Elections on 1st May 2003, when a Civic Ceremony was required to precede the Mayoral Luncheon, together with a business meeting to elect a Leader and Cabinet and make appointments to Committees and Review Boards which it was suggested should be held on a separate day.

Members were also asked to confirm the times and venues of meetings, some of which were set out in the Constitution.

In relation to the conducting of the business of Annual Council it was moved by Councillor A. C. Bryning and seconded by Councillor S. E. Denwood:

"That the meeting be held on two separate days:

- Annual Council meeting on 14th May 2003 commencing at 12 noon to elect the Mayor and Deputy Mayor.
- Remaining Business to be deferred to a second meeting at 6.00pm on 15th May 2003 at Morecambe Town Hall to elect the Leader and Cabinet and make appointments to Committees and Review Boards."

On being put to the vote the Mayor declared the proposition clearly carried.

In relation to the timetable of meetings it was moved by Councillor M. E. Blamire and seconded by Councillor T. E. Evans:-

"That the proposed timetable for 2003/04 be approved as set out in the Appendix to the report subject to changes to the dates of Williamson Park Board meetings to avoid clashes with Planning Briefings, and an increase in the number of Licensing Regulatory Committee meetings from 8 to 12."

On being put to the vote the Mayor declared the proposition clearly carried.

There followed some debate on the variation of meeting times and there were some suggestions for making individual changes. It was acknowledged however, that it was necessary to look at the overall picture in order to include a mix of starting times. Furthermore the meeting times of Review Board times were included in the Constitution and could not be varied, other than by recommendation of the Internal Affairs Review Board or the Monitoring Officer.

It was therefore moved by the Mayor and unanimously agreed that the issue of times and venues of future meetings be referred to the Internal Affairs Review Board for consideration.

Resolved:

- (1) That the Annual Council Meeting for 2003 be held on 14th May 2003 commencing at 12 noon with the Election of the Mayor and Deputy Mayor prior to the Mayoral Luncheon, with the remainder of the business deferred to a further meeting at 6.00pm on 15th May 2003 at Morecambe Town Hall.
- (2) That the timetable of meetings for 2003/04 be approved as set out in Appendix 4.
- (3) That further consideration of times and venues of the meetings be referred to the Internal Affairs Review Board.

155 APPOINTMENT OF PARISH REPRESENTATIVE TO THE STANDARDS COMMITTEE

The Corporate Director (Central Services) submitted a report regarding the appointment of a Parish Representative to the Standards Committee following the resignation of the previous representative.

Members were advised that the Lancashire Association of Parish and Town Councils had nominated Mrs Fiona Humphreys of Hornby-with-Farleton Parish Council.

The appointment of Mrs Humphreys was moved by Councillor Patricia Heath and seconded by Councillor G. K. Wilson.

Resolved:

That Mrs Fiona Humphreys of Hornby-with-Farleton Parish Council be appointed to the Standards Committee.

On being put to the vote the Mayor declared the proposition clearly carried.

156 BEST VALUE REVIEW PROGRAMME 2003 - 2006

The Corporate Director (Community Services) submitted a report which suggested changes to the Best Value Review Programme to take into account the implications of the Comprehensive Performance Assessment programme for District Councils.

In considering the recommended changes to the programme of Best Value Reviews there was some concern expressed over the role of Members in Best Value Reviews.

It was moved by Councillor Patricia Heath and seconded by Councillor G. K. Wilson:-

"That Council approve the recommended changes to the Best Value Review Programme."

On being put to the vote 19 Members voted for proposition, 11 against and 2 abstained, whereupon the Mayor declared the proposition clearly carried.

Resolved:

That the following revised three year Best Value Programme for 2003 - 2006 be approved.

Year 4 2003/04	Year 5 2004/05	Year 6 2005/06
Housing Needs and Markets.	Enhancing the Environment.	Support Services.
Access to Services.	Modernising Local Government.	Revenues Services.

157 DISTRICT AUDITOR'S MANAGEMENT LETTER

Council were advised of the Annual Audit letter for 2001/02 which had been received from the District Auditor. It was noted that this had been considered in detail by the Audit Committee.

Resolved:

That the Audit Letter for 2001/02 be noted.

.....
Mayor

(The meeting ended at 6.30 p.m.)

Any queries regarding these Minutes, please contact Gillian Noall, Acting Head of Administration Services, on Lancaster 582060 or e-mail Gnoall@lancaster.gov.uk

QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.2

The following questions were received in accordance with the provisions of Council Procedure Rule 11.2 and 11.4:-

(a) Question from Councillor S. M. D. Fishwick in relation to Urgent Business Items on Personnel Committee.

"The District Auditor's report into the Crinkley Bottom Theme Park project states, and I quote an extract from paragraph 408 of the Statement of Reasons published on 31 January 2003 as follows:-

'The decision was taken by the Finance and Resources Policy Committee at its meeting on 27 January 1994 without the item being on the Agenda for that meeting and without any written report being placed before the Committee. The minute records that "the remuneration package be approved" without giving any indication of what the "package" was. In my view, it was unlawful for the Committee to take decisions on an item which did not appear on the Agenda and of which no advance notice was given to members of the Committee. It is a general principle of the law of meetings that a notice of a meeting must be clear and unambiguous in its terms and clearly specify the business of the meeting. The notice must give particulars of the business to be transacted in sufficient detail to enable members to determine whether or not they should attend. It is no answer that the item of business to be transacted was "urgent" and that the provisions of section 100B(4) of the Local Government Act 1972 were complied with, even if that was the case.'

In light of this statement, will the Chairman of Personnel please comment on the legality of allowing as an urgent item, the matter recorded in Minute 74 of the Personnel Committee meeting on 14th January 2003?

Originally, this same item appeared on the Council Agenda of 12th December 2002 as the next item after the main report on the transfer of the Museum Service to a partnership with the County Council. Minute 74 states that:-

'This item was considered as an item of urgent business as a decision was required upon the personnel issues prior to the meeting to be held on 15th January 2003.'

I therefore also ask:-

Why was it necessary for the item to be taken to Personnel Committee, when originally it had been scheduled for consideration by full Council, and it was not withdrawn from the Council Agenda at the Council meeting on 12th December 2002?

And on whose authority and at what date was the decision made to transpose the *sequence* of discussion of the item on the transfer of the Museum Service and the item recorded in Minute 74?"

Council Burns responded:-

"The circumstances were different in that a written report was provided for Members' consideration. It has been general practice in this Council and others for items not specifically referred to on an Agenda to be dealt with under the Urgent Business heading of an Agenda. Given the comment made in the District Auditor's Public Interest Report, clarification will be sought from the District Auditor on whether his intention is that this practice should cease. In the meantime, the decision is considered to be lawful.

The Chief Executive decided, following advice from the Monitoring Officer at the Management Team meeting held on the 6th January 2003 that ideally the decision regarding Early Retirement should be taken by the Personnel Committee as the remit of this Committee covered Early Retirement decisions and that this should be dealt with as an urgent item as the Agenda had already been published. The report was circulated on 7th January 2003 which was 4 working days in advance of the meeting. The deferment of the item from the December Committee provided the opportunity to deal with the Early Retirement decision at the Personnel Committee."

Councillor Mrs Fishwick, by way of supplementary question, asked why the matter had only been referred to Personnel at that stage, and had not been referred there prior to the original report being submitted to Council on 12th December and had this therefore been wrong.

Councillor Burns responded that it had not been not wrong for the item to be placed on the Council Agenda as the Personnel Committee is a Committee of Council and Council's remit, therefore, includes personnel issues. Consideration by the Personnel Committee itself had ensured that the decision could be taken with the Council's discretion being clearly exercised based on the Early Retirement issue rather than simply as part of the Museums Partnership decision.

(b) Question from Councillor S. M. D. Fishwick in relation to standards of behaviour.

"All Members of the City Council are bound by the Code of Conduct laid out by government to maintain certain standards of behaviour. It is by adherence to this code that Members can command respect from their peers and from the community at large.

The District Auditor's report into the Crinkley Bottom Theme Park project states, and I quote:

From Paragraphs 310 to 312

- 310 Councillor Heath, the EDSPTPC group spokesperson for the Morecambe Bay Independents, voted at the meeting on 21 March 1994 to authorise the Town Clerk to enter into the Heads of Terms. Councillor Heath asserts, however, that in March 1994 she and other Councillors *"left Bill Pearson, the Town Clerk, in no doubt that unless the terms of the contract were improved to ... protect the Council against exceptional losses in the event of failure of the project, we would oppose the theme park"*. In my view, that assertion is untrue.
- 311 Councillor Heath's further evidence to me is that she *"was told by Mr Pearson that it was written into the original agreement that Noel Edmonds and Unique would bear some of the losses if the project failed"*. I do not believe her. I find that the Town Clerk told her no such thing.
- 312 Councillor Heath goes on to claim that *"I only agreed to go ahead because I believed Mr Pearson's assurances that Edmonds had accepted and would sign the side letter. I know that my view was shared by other Councillors, and the deal would not have gone ahead if we had known the truth"*. Councillor Heath also states that Mr Pearson informed her that the side letter was a *"legally binding document"*. I regret to say that I find this evidence is false and has been brought into existence in order to support the objection. I find as a fact that Councillor Heath was an enthusiastic supporter of the Theme Park project who was aware of the limited value of the side letter and yet nevertheless voted to authorise the Town Clerk to sign the Heads of Terms. Together with other Members present at the meeting on 21 March 1994, Councillor Heath must share responsibility for that decision and its consequences.

And from paragraph 319 (the final sentence being the important one in the present context)

319 I am satisfied moreover that the decision of the EDSPTPC on 12 April 1994 to endorse the recommendations in the report which had already been approved by the meeting of Members on 21 March 1994 was not influenced by the misleading report made by officers to Members. In my view, for the reasons given above in relation to the decision taken on 21 March 1994, there is no real possibility that the decision on 12 April 1994 might have been different if the true position with regard to the side letter had been reported to Members, all the more so as, by 12 April 1994, the Council had entered into the Heads of Terms. I have reached this decision notwithstanding evidence to the contrary from Councillor Heath and certain other Members of the Morecambe Bay Independent Group. In my view, that evidence is collusive, has been created in order to support the objection and is false.

At Footnote 22

Councillor Heath and other members of the Morecambe Bay Independent Group claim that Leading Counsel did not advise that Unique was in fundamental breach of contract. That claim is patently wrong.

At Footnote 34

Councillor Heath and other Morecambe Bay Independent Councillors gave evidence that Mr Dudfield gave oral advice at the Council meeting on 28 November 1994. I find as a fact that he did not do so. Once again, collusive and misleading evidence has been given in support of the objection."

These words cannot be dismissed as empty allegations. They are the findings of a judicial or quasi-judicial process.

How does Councillor Patricia Heath reconcile these findings with her continuing duties and responsibilities as Leader of this Council?"

Councillor Patricia Heath responded:

"First of all let me say that I and all those people that matter know I told the truth regarding Crinkley Bottom.

Let me explain for those who obviously don't understand, the implications.

The DA says he doesn't accept my evidence that I and other Councillors asked questions regarding the possible losses should Crinkley Bottom fail, and that we asked for assurances that Noel Edmonds and Unique would have to bear some of those losses in the event of failure. The DA says he does not accept my statement that I and other Independent Councillors would **not** have voted for Crinkley Bottom to go ahead if we had known that those financial safeguards were not covered in a "side letter" as part of the original agreement.

The Independents most certainly did ask for those financial assurances - you are saying that the Conservatives did not. Are you agreeing with the District Auditor when he says he believes that the Conservatives would have gone ahead regardless of financial cost to the taxpayer.

Yet Councillor Henig, Leader of the Labour Administration at the time of Blobbygate is quoted as saying in "Entrepreneur Magazine", March 1998:

"A number of Councillors have said to me that they would not have gone ahead with the park if they had known that the side letter had not been signed. It is an interesting question whether the outcome would have been different if there had not been this promise of a side letter. I think Councillors would have asked more questions about what our **true** legal and financial position would have been."

So who are we to believe, Councillor Henig or the current Labour Group who support the DA in saying they would have gone ahead regardless.

Are Labour, Lib Dems and Conservatives saying they would have asked no financial question and that they would have agreed to go ahead at any cost to the taxpayer?

Did they really agree to take Noel Edmonds to court at any cost to the ratepayer? The Independents voted against taking Edmonds to court - we didn't think we stood a chance of winning. However, Labour party minutes seem to suggest a collusion between themselves, Lib Dems and Conservatives to close the park at any cost in order to win seats from the Independents at the imminent election.

Before you start jumping to conclusions you need to take a closer look at the implications for your group and all Councillors - we have another document to come out yet, what will that say.

I stand by my statements, I and the Independents would not have gone ahead with the costly venture had we known the truth.

Perhaps the simplest solution to this would be to ask all those individual Councillors how they would have voted if they'd known the side letter wasn't in place.

We didn't agree with taking Noel Edmonds to court on such frivolous complaints as the quality of the "Bobby suit".

It is far easier to dismiss my evidence than it is to take on the establishment and all its power which could have resulted in a surcharge and the return of public money.

My conscience is clear, I know I told the truth.

If the only outcome of the DA's £600,000 report is that the political parties ask me to resign for telling the truth, and that the people responsible for this fiasco have no consequences financial or otherwise,. Then it's a sad day for Morecambe. A four year waste of everybody's time and money.

At the end of the day it was a Labour administration that were in control of the Council during Blobbygate - not the Independents.

Let me leave you with this thought - what are the implications for each of you and your political parties if you accept the DA's views that you spent taxpayers money with no questions asked."

Councillor Fishwick then asked by way of supplementary question whether the Leader intended to resign.

Councillor Patricia Heath responded that she had no intention of resigning for telling the truth.

* * * * *