

Transcription of meeting notes 30 Sept 04

## **Meeting of Executive Committee 29 Sept 04**

### **Barbara Pagett**

Tried to declare a personal interest in items 3 and 4 but was told by Cclr Coombes that only the Executive Committee may do so and it was not necessary for her to declare an interest.

He also said the minutes of the previous meeting were not ready when the agenda for this meeting was published, so they will be for approval on the next meeting

## **THE DEBATE ON ITEM 3 ( Lottery bid) OPENED**

### **Paul Hayhurst**

Wanted to ask why the referendum as reported in the press was not going to be conducted. He thought the future Town council could go to the public loan works board and borrow the money

### **Alfred Jealous**

Responded about the referendum by saying that the parish council would make its own decisions, and we need to get on with the lottery bid now.

### **John Longstaff**

He was saddened by the delay. It was the will of the Council that we go on with the lottery bid. He was however worried about re-positioning the building, and that they should not fall into the trap of being certain they could move it if, for example, asbestos was found in the building, and that could double the cost of moving it. He was worried about the cost.

### **Tim Ashton**

Seconded Councillor Jealous. They had chosen Ashton Gardens over the promenade. A lot of work had been done. They had to get on with it now. He was saddened they could not agree with SAOG, and it was up to the Council to communicate its decision to the people of St Annes.

**Someone** (?) proposed that resolution 4 be added, "The decision made today be communicated to the public and that that task be delegated to the Task and Finish Group"

### **Liz Oades**

Asked have the costs been incorporated into the bid. Answer, no, the bid has to be re-prioritised.

### **Kevin Eastham**

The Task & Finish group meetings should be open to the public. Coun Coombes said they always had been.

The debate closed with the recommendations plus resolution 4 having been added

## **THE DEBATE ON ITEM 4 (Land Disposal) BEGAN**

**Paul Walker** introduced the item saying he did not intend to go through the whole report, "suffice it to say it is current council policy to dispose of the land"

He spoke of the petition and read the wording

He referred to the 3801 standard A5 letters

He referred to the 140 individual letters received before the closing date

He then referred to 11 received since the date (including one hand delivered)

and said in all that they had received 7796 letters of objection

He then read the recommendation

**Pat Fieldhouse**

Said she didn't think the proportion of visitors and residents showed a significant level of objection

**Paul Hayhurst**

said "Basically its 140 letters, 140 letters is minute in this borough, and these have been fuelled by misinformation by the supporters of Ashton Gardens" He said he was convinced there was insufficient weight of feeling an that they should "get on with it"

**Alfred Jealous**

Referred to latest document from Mr Moor and asked about the legal situation. He wanted to be assured that they had the authority to sell the land. He read the Barristers opinion paragraph out from the SOAG letter.

In response, Mr Curtis (legal officer) said the only way to get a ruling is if the matter is challenged in court, however both he and his predecessor were of the opinion that the Council could sell it. He said they had not seen the opinion, only selective quotations from it sent by SOAG's solicitor, and barristers opinions usually give the pros and cons of the case. He said there was no doubt in his mind that it can be sold.

He then referred to aspects of my letter and said "There is nothing in the St Annes on Sea Improvement Act that prevents the land being sold" He made another point which I missed recording (as I was writing the above) before saying that the St Annes on Sea Improvement Act had been repealed by the Lytham St Annes Corporation Act 1923.

**One councillor** (unknown, but possibly Hayhurst or Rigby) said "Why are we considering all this again"

to which the response was that "we advertised the land again and have to consider the representations made."

**John Longstaff**

said "Whenever you have a referendum it should be balanced. 3,800 is such a small percentage of the borough, and if it had been a proper referendum it would have been balanced. These things are completely invalid and its only 140 letters."

**Tim Ashton**

Referred to the table on page 38 and said in his view the right hand side outweighed the left hand side. He said you may think I am biased coming from Lytham but I am not. I would vote the same way if it was Lowther Gardens. We have got to move on, we can't delay any longer. He added that once the decision is made he hopes they can work together with SOAG to submit the lottery bid.

**Alfred Jealous**

said something that I didn't catch

**Liz Oades**

When she first came on the Council she remembered going round with the Director of Tourism and Leisure and the Gardens were in an appalling state. The Institute was in an appalling state and this is the only way forward. To sell such a small area is worthwhile.

**Kevin Eastham**

Asked how does one advertise for open tender landlocked land - it can only be sold to the person who owns the adjoining land. He wanted to use this opportunity to restrict the development as landlord which gave them greater powers than as the planning authority. He also said he didn't imagine that boundary shown on the plan was the eventual boundary of what they would sell.

**Ian Curtis** replied that planning restrictions would depress the price and they would need the consent of the secretary of state to dispose of the land, which is a different process.

At this point the Chief Executive Ken Lee intervened. He said  
The boundary was exactly the area of land that would be sold. It could not be otherwise having advertised it for disposal. He added that Cclr Eastham's suggestion that some scope for negotiation should be included in the process was sound and that perhaps members might like to add this capability to the resolution.

**David Wilkinson** (Planning Officer) said that there was nothing to negotiate on the planning permission except the landscaping. All the other details had been approved.

**George Caldwell**

In view of the number of Councillors here today I believe it is very important that the disposal of land should be considered by the full council. Also, have we had our own Counsel's opinion regarding the plan to dispose of the land in the way we propose to do so? Mr Curtis answered that they had not sought their own Counsel's opinion. Caldwell responded that this is a matter of policy and should go to the full Council. He tried to move that it do so, but was told by John Coombes that as he was not a member of the Executive Committee he could not do so.

**Tim Ashton**

The decision has been made already, we need to take the vote.

**Kieran Mulholland**

Said he didn't see many of the writers of the 140 letters here today and he supported the decision to sell the land.

**John Coombes**

Said there had to be some common ground because all parties wanted the gardens restored.

**Barbara Pagett**

Made her prepared speech - slightly modified from the copy she gave me. She was twice interrupted by John Coombes who said he would have to ask her to finish.

**Roger Small**

Said we couldn't go forward and needed to get the lottery bid in. He said we will only succeed if people are working together, and he would not be part of anything that demolishes the building. He believes the Council want to make the gardens the jewel in the crown.

**Alfred Jealous**

Ashton Gardens means more to us than anything else. This is why Donald Insall was used. They are the best in the country or the second best. It is very important that the Task and Finish group keep the public informed about what we are doing.

**Paul Rigby**

Are the glasshouses still there, I thought we were going to demolish them what's happening. Up to date position was given by Paul Norris saying that Insall had been asked to advise on them. Rigby then asked - Is there a plan B - what if the land is sold and we don't get the lottery grant. John Coombes answered by saying that in that case there would be a substantial sum to spend on the gardens

**John Coombes**

Summed up. He said this had been going on for eight years. He gave an undertaking that all the money from the land sale will be ringfenced for Ashton Gardens, and that the future St Annes Town Council could undertake parks in the future. He then put the amended proposition that the land be sold on open tender and negotiation to the vote. It was carried probably by all nine on the Committee voting in favour although I could not be sure there were no abstentions. None voted against.