

Press Release
For immediate release



25th January 2011

ANH LAUNCHES CAMPAIGN TO SAVE PARK PHARMACY TRUST **Historical medical charity threatened by bailiff seizure**

Bailiffs acting for Plymouth City Council have seized all the protected assets of one of the country's foremost medical history charities, Park Pharmacy Trust. The seizure results from unjustified legal costs generated by the Council in a fight over development in a public park. The Council may now decide to put the assets in storage or hold an on-site public auction. This appears to be a petty and spiteful vendetta on the Council's part that will break up a unique collection of worldwide importance, and deprive the community of the Trust's award-winning activities.

Today, the Alliance for Natural Health International and Park Pharmacy Trust launch a campaign to save the Trust and the important contribution it makes to the local community and to our medical heritage.

The Trust's headquarters at Thorn Park Lodge house its valuable collection: a pharmaceutical library, sets of unique prescription books, collections of *Materia Medica* – used in the past for making medicines – and an extensive collection of artefacts and old-fashioned proprietary goods. A medicinal herb garden, built over many years by volunteers at Thorn Park Lodge, allows visitors to learn the medicinal uses of some important plants or just enjoy its tranquil charm.

Park Pharmacy Trust's problems stem from a complex wrangle over planning permission. The Trust prevented Plymouth City Council from bulldozing its medicinal herb garden, but lost a judicial review over the original planning decision and has been saddled with a bill of £71,493. Over £46,000 of this cost represents interest and profit for Plymouth Council's legal department.

Dr Jan Knight, Chairman of Park Pharmacy Trust, said today: *"We are really hoping that Plymouth City Council will come to its senses and realise the short-sightedness and long-term costs of its actions. In our attempt to defend this unique part of our national heritage from developers, we have been forced to go to court and rack up wholly unfair costs that we cannot afford. Now that the Council has seized our assets, it appears determined to make as much money as it can by selling them item-by-item. We think this is a grotesque and opportunistic act of vandalism."*

At Thorn Park Lodge, the Trust provides thousands of visitors with a fascinating educational experience, including learning forgotten skills like pill-rolling and powder envelope folding. The Trust provides hands-on educational workshops to support the schools' curriculum, while working with the elderly, Alzheimer's patients and people

recovering from strokes. According to the head teacher of Hyde Park Infants School, *“We can’t lose you, you are part of the community and moreover, you are embedded in our curriculum”*.

Emphasizing the importance of Park Pharmacy Trust to the UK’s national heritage, the Trust was also overall winner in the BBC’s *It’s My City* competition in the category of heritage and tourism.

Dr Robert Verkerk, Executive & Scientific Director of ANH-Intl, said of the campaign: *“The Trustees of Park Pharmacy Trust have done everything humanly possible to protect this vital resource and piece of British medical history. With the organisation and its collection only moments away from possible extinction, the only hope now is for outside pressure to bring the Council to its senses. We call on the public to flood Plymouth City Council with letters and emails to ensure they save the Trust.”*

ENDS.

APPEAL

We urge you to write or otherwise contact Plymouth City Council to express your dismay at their wanton destruction of our nation’s medical heritage. If they receive enough complaints, they will be forced to think again about their actions regarding Park Pharmacy Trust. Although we are sure we don’t have to, ANH-Intl and Park Pharmacy Trust remind you to be polite and reasonable in all communications with Plymouth City Council.

Write to the leader of Plymouth City Council, Mrs Vivienne Pengelly:

By email to vivien.pengelly@plymouth.gov.uk (please copy ANH-Intl or Park Pharmacy Trust into all emails – see below for contact details)

Or by post to Mrs Vivienne Pengelly, Plymouth City Council, Council House, Civic Centre, Plymouth, PL1 2AA.

You can telephone Plymouth City Council on 01752 304950 (lines open Monday to Friday, 8.30 am until 5.00 pm).

CONTACT

ANH-Intl: Adam Smith, Science & Communications Officer – tel +44 (0)1306 646 580, email adam@anhinternational.org

Park Pharmacy Trust: Dr Jan Knight, Chairman – tel +44(0)1752 565 676, email jan@knightscientific.com

EDITOR’S NOTES

Health and safety risks of Plymouth Council’s actions

- The Council’s decision also risks public health. In March 2010, the Trust won a prize for providing a sample of ‘Blue Pills’ for analysis by the Royal Society of

Chemistry. These Blue Pills turned out to be historically important, since they contain mercury and are thought to have sent Abraham Lincoln into his famous verbal and physical rages.

- Park Pharmacy Trust has the expertise to handle and store these pills correctly, but public auction by untrained staff could pose serious health and safety risks. Stories in the Plymouth media and campaigning on a local level have made no difference to the Council's intention to close the Trust.
- The Trust has been trying to explain to Plymouth City Council's Senior Lawyer, Miss Julie Rundle, that the Council could get into serious health and safety trouble if they were to give the go ahead to an enforcement officer to have a public auction of the collection.
- If the museum staff allowed the bailiff to get his removers to clear the pharmacy in the Merchant's House, or worse, have an onsite auction, then the Council would be guilty of selling restricted goods.

What does the Trust do and what do people think about it?

- Park Pharmacy Trust is a sitting tenant of Plymouth City Council at Thorn Park Lodge, Mannamead, Plymouth. The Lodge and medicinal garden is within Mutley Park, which is in the Mannamead Conservation Area.
- Park Pharmacy Trust provides valued services to the community. The trust has recently had two mental health grants from PCC for our work with elderly patients and others with stroke and Alzheimer's disease. Park Pharmacy Trust invented Recall Reminiscence using its collection in 1984 to run the No matter how bitter the pill, the memories of it are sweet workshops. These have taken our trained volunteers all over Devon county, but over the past few years the trust has concentrated mainly on services to Plymouth.
- The trust's hands on practical Children's Industry Workshops, of which there are 5, have won international acclaim. And the trust was short-listed for the prestigious Jerwood Award for these workshops. The Trust was winner of the BBC's It's My City! competition and used its prize money on the medicinal garden. Over the years the trust has won many awards and grants and is planning at the Wolseley Business Park to have its second Victorian pharmacy accessible to people and schools in a area of Plymouth with a considerable amount of social deprivation.
- The trust has received small grants for projects, including a Grassroots Grant from Devon Community Foundation, a mental health project it is running for Plymouth City Council, and tiny amounts of money it makes in selling post cards, pill rolling certificates and other items. It receives small donations in the jar in the Merchant's House Museum. The Council receives the income from entrance to the Merchant's and it can be seen in the many entries in the visitor book very flattering references to the volunteers who man the pharmacy alongside statements that the £3.50 entrance fee was very good value.
- The trust's only guaranteed income was £3,400 in 2010 from the Council for hire to the City Museum of the C J Park Victorian pharmacy in the Merchant's House Museum. The collection is insured by the Council for £65,000. It is fully

interpreted, catalogued and manned with trained volunteers and the trust provides professional specialist curatorial services free of charge. Over the years it has become a very popular tourist attraction and the trust has been featured on television on a number occasions. The Council charges entrance fees for people to visit the Merchant's House and chemist's shop.

- Visitors do not realise that the Trust does not receive any of the entrance fee.

The Planning Issue that has created the debt

- When Planning permission was granted in 2006 to build 4 terraced houses in the garden of Thorn Park Lodge it was said in the report to the committee that "none of the site falls within the park". That statement was wrong. The Historic Environment Officer, in his witness statement said "I made no reference to the extension of the site into the rear garden of the Lodge or any concerns arising there from. This was no longer a real issue in my view given the boundary changes." The boundary had not changed and all the arguments that followed were therefore flawed.
- There is no right of appeal by third parties to the granting of planning permission. The only course of action is to try to have the application quashed by judicial review. However, unlike a planning appeal against refusal, it is not permitted to revisit the merits of the planning application. To this day no one in the Council can say, in retrospect, that the planning decision was a good one.
- Many people were shocked by the outcome of the judicial review and really believed that the number of errors would have been sufficient to justify a quashing of the application. However, the judge said at the hearing, "If there are errors in a report to the committee and the committee accepts the report then you are stuck with a flawed outcome." He also said "officers are professionals: sometimes they are right and sometimes they are wrong". "If the committee accepts the officer's recommendations, right or wrong, good or bad, we are all stuck with them".
- The grant of planning permission was based largely on the fact that the planners believed wrongly that Thorn Park Lodge and garden was a residential property and not parkland. However, it was subsequently discovered during the time of the preparation of the judicial review hearing, that Thorn Park Lodge and garden were within the boundary of Mutley Park. In addition it was discovered that the land was compulsorily purchased in 1951 for the purpose of providing walks and pleasure grounds. There are also a number of restrictive covenants on Mutley Park. The Council had in fact made an error in advertising and then giving itself permission to change a tiny portion of the medicinal garden from greenscape to residential.
- The time taken in the run up to the judicial review hearing resulted in the mistake regarding the designation of the land being recognised. The Council would need permission from the Secretary of State now, to sell the garden for residential use.
- Had Park Pharmacy Trust not challenged the planning decision the garden and historic boundary wall would have been sold and bulldozed. It is also very likely that the community would have been left with a building site of half

built and unsold houses, similar to that on the west side of Mutley Park. Yes, the trust would have complained to the Secretary of State, but the garden, pond, trees, beds, walls and wildlife would have been destroyed.

- The garden had been built by thousands of hours of volunteer work together with over £150,000 of grant and prize money. The trust had no alternative but to accept the verdict as it had no money to appeal against the decision. However, it does not mean that the trust should have just stood idly by and watched 25 years of work of volunteers at Thorn Park Lodge destroyed.
- In view of the ethical issues involved, in particular the mistakes made by the officers, which had they not made these mistakes would have led to a recommendation for refusal of planning permission, it seems cruel for the Council to capitalise on these mistakes by securing £34,000 of profit costs (plus £12,000 now of interest), against Park Pharmacy Trust. These issues were discussed at the costs hearing when the judge acknowledged that the in-house legal costs were profit. He also said that it is normal practice for local authorities to put these costs in the bill but he added, it was entirely up to the Council to decide what it wanted to do regarding repayment of the costs awarded.