

Get ready, Boogsie... with courthouse clothes

Mayor Lee Sing sues to get Phase II out of One Woodbrook Place

Lennox Grant

IN THE latest outbreak of a two-decade-old war of attrition, the Port of Spain City Council has sought a court order for the removal of the Phase II Pan Groove steelband from the Woodbrook site it has occupied since 1972.

The lawsuit, filed last month by Alexander, Jeremie and Co, urges the High Court to enforce an agreement to move, which the City claims the band had made. The action alternatively seeks injunc-

tions forbidding the band to stay and ordering transfer of its panyard from the lands south of One Woodbrook Place to premises on the Mucurapo foreshore.

In this escalation of an on-again, off-again conflict, the City's lawyers are claiming that as far back as 1988 the band had conceded it lacked title to, or permission to stay on the land it occupies. Famed panman Len "Boogsie" Sharpe, leader/arranger and a founder of Phase II, figures large in the decades-old written and

oral exchanges, between Phase II and City Hall likely to come up in court hearings.

This outcome had been telegraphed since last December, when Mayor Louis Lee Sing said: "Ultimately, it may get to the court and the decision of the court is where the Corporation will rest." Resisting the Mayor's demand to leave, by December 31, short weeks before Panorama 2011, Phase II rallied supporters and retained legal counsel in Anthony Isidore Smart.

Addressing a

December 3 supporters' meeting, Local Government Minister Chandresh Sharma said Phase II appeared to stand on "good legal grounds", and suggested the Mayor, appointed five months before, was affected by "newness". Smart, having elaborated legal grounds before the meeting declared: "Not a man can move Phase II."

In the litigation-related exchanges with Alexander, Jeremie and Co, legal and other arguments have been freshly marshalled by Smart, a former Attorney General. On May 2, the City's lawyers called on Phase II to go "as a matter of urgency as development work on the said lands is nearing completion."

Smart on June 3 challenged the "urgency" of Phase II's giving way to complete development next door of Home Construction Ltd's One Woodbrook Place. HCL, he wrote, "has not made a demand for vacant possession of the subject premises...since February 2005." Indeed, so far from wanting Phase II out, HCL has shown itself a good neighbour by paying the band \$450,000 in 2007 Panorama sponsorship.

The City's lawyers argue, first, that Phase II never enjoyed any legal right to indefinite stay on the site it occupies, since it at best held

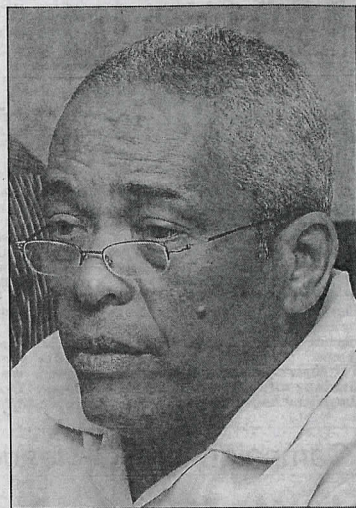
a City-issued licence. They also hold that as far back as 1996, Phase II had agreed to leave the panyard on the banks of the Maraval River off Hamilton Street.

On the strength of this alleged willingness to co-operate, the City had prepared a "purpose-built, multimillion-dollar facility" as a relocation site on the Mucurapo foreshore. They also claim Phase II had even participated in the planning for and design of the new panyard completed in 2003.

By November 2004, however, the band appeared no longer willing to go along with what the City wanted. The City's lawyers deplored the change of heart as a "volte face", and associated it with the retention of Smart as counsel for the band.

Indeed, Smart sought radically to change the terms of the exchanges between the City and the band. He narrated the west-side steelband story, according to which, in 1972 "Boogsie" Sharpe and associates, newly split from Starlift, moved onto the land, hacked down the bamboo, and set up 2,291 square metres of panyard.

Smart cited land law which provides that, for having "uninterrupted adverse possession," Phase II had in 1988 "acquired a possessory title." The land had thereby become the



COURT ORDER: Port of Spain Mayor Louis Lee Sing

property of Phase II, Smart wrote, and the City has lacked any claim to it. The band anyway denied having received any City licence. Since the Phase II portion did not belong to the City, it could not legally sell, lease or transfer it to HCL.

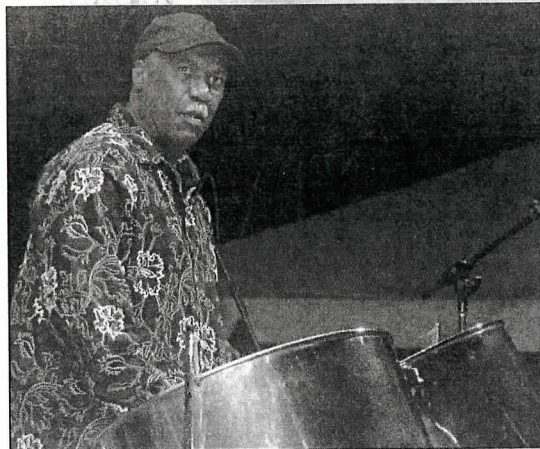
Smart's argument had the effect of silencing the City for five years, or until the arrival of Mayor Lee Sing. "One group cannot keep holding the wider community to ransom," said Lee Sing taking up the fight from which his predecessor had backed away. Before the court, his lawyers will apparently rely on agreements allegedly made by Boogsie in the name of Phase II.

Smart counters that the panman had said and signed yes under pressure from the City, but "without legal advice." Yes, Phase II would like to move, but

not to the foreshore place the City claimed to have prepared, but which ended up so far short of expectations as to hold no attractions for the band and its supporters.

The area is "desolate and unsafe", with dog kennels on one side and garbage trucks being cleaned on the other. Among other shortcomings, the place is too small to accommodate Phase II in Panorama array; the access road is too narrow; and parking is unavailable. Moreover, Smart continued, the City did not create the "North West Regional Park" promised since 1990 as a cultural centre to "complement activities at Movietowne."

With Phase II and the City now combatants in litigation, Smart is still expressing hope for talks between the parties toward "an amicable resolution." With Local Government Minister Sharma unlikely to line up with a PNM Mayor affected by "newness", "Boogsie" Sharpe should make sure his courthouse clothes are presentable.



FAMED PANMAN: Founder of Phase II Pan Groove, Len "Boogsie" Sharpe

**HARD TO HEAL
WOUNDS?**

**ANNOUNCERS'
BROADCAST ACADEMY**

**Dirt Eaters
Fathers' Day
SPECIAL**