

IN THE HIGH COURT OF JUSTICE

CLAIM NO. HQ10D04575

QUEENS BENCH DIVISION

BETWEEN:

Bernard Theobald

Claimant

- and -

Lincolnshire Media Ltd

Defendant

STATEMENT IN OPEN COURT

Counsel, Ronald Thwaites QC, for the Claimant

My Lord, I appear for the Claimant with my Learned Friend Timothy Atkinson. My Learned Friend Manuel Barca QC appears for the Defendant.

The Claimant, Bernard Theobald, is the former Leader of West Lindsey District Council and the former Chairman of its Planning Committee. He is also the former Deputy Leader of Lincolnshire County Council and was the Chairman of the Central Lincolnshire Joint Strategic Planning Committee.

The Defendant is the publisher of the Lincolnshire Echo newspaper.

In June 2009 Mr Theobald made a planning application to West Lindsey District Council.

On 1 December 2009 the Defendant published on the first and second pages of the Lincolnshire Echo an article entitled "Revealed: The Truth Behind Planning Outcry". The article alleged there were good and solid reasonable grounds to suspect that Mr Theobald had committed fraud in order to advance his planning application.

On 4 December 2009 the Defendant published on the first and second pages of the Lincolnshire Echo an article entitled "You cannot be serious!". This article repeated the allegation that there were good and solid reasonable grounds to suspect that Mr Theobald had committed fraud in order to advance his planning application. It also alleged that Mr Theobald had lied in denying the Lincolnshire Echo's claim that his planning application had resulted in a Council Officer's suspension and investigation by the Audit Commission.

On 1 January 2010 the Defendant published on page 3 of the Lincolnshire Echo an article entitled "Councillor's future to be discussed". This article alleged that Mr Theobald was disgraced by reason of having acted in a seriously improper way in order to advance his planning application.

In addition to the publications in the newspaper, versions of the three articles complained of were also published on the Lincolnshire Echo's associated website www.thisislincolnshire.co.uk in articles entitled respectively "Truth behind planning controversy", "Council leader steps down", and "Disgraced councillor's future to be discussed".

As the Defendant accepts, there were never any grounds to suspect Mr Theobald of fraud in relation to his planning application or of having acted in an improper manner in order to advance his planning application. Further, there was no basis whatsoever to state that he was disgraced or to impute that he was lying. There was nothing to justify the allegations as published. The allegations made against Mr Theobald were completely false and should never have been published.

The fact is that neither the internal District Council investigation referred to in the first two articles, nor the Audit Commission investigation, were prompted by, nor investigations into, Mr Theobald's planning application. Moreover, the suspension of the planning officer referred to was wholly unrelated to the application or any actions relating to Bernard Theobald. Indeed, the application had not even been made at the time of the Officer's suspension.

The Defendant is here today by its Counsel to apologise to Mr Theobald for the serious distress and embarrassment caused, to retract its untrue allegations and to set the record straight. The Defendant has agreed to pay Mr Theobald a very substantial sum by way of compensation together with his legal costs.

Defendant's Counsel

My Lord, the Defendant accepts all that my Learned Friend has said.

Through me, the Defendant apologises fully and unreservedly to Mr Theobald for the serious distress and embarrassment caused as a result of the publication of these false allegations, and welcomes this opportunity to set the record straight.

Counsel for the Claimant

My Lord, on that basis, I ask for permission to withdraw the record.

Carter-Ruck
Solicitors for the Claimant
22 June 2011