

Grimston, Saxelbye & Shoby Parish Council

Minutes of the EXTRAORDINARY GRIMSTON, SAXELBYE & SHOBY PARISH COUNCIL MEETING

Held MONDAY 13th July 2020 @ 19.30 via Zoom

Present: Chair - Cllr Etta Madocks Wright, Cllr Rupert Marsh, Cllr Richard Easom, Cllr Tony Lomas, Cllr Fleur Read, District Cllr Ronan Browne for Frisby Ward, Cllr Joe Orson of Leicestershire County Council, Clerk Janice Kemp and 20 members of the public.

Apologies: None

1. Cllr Madocks Wright **welcomed** everyone to the meeting and briefed the protocols for the on line meeting, including the information that the meeting would be recorded.
2. **Declarations of Interest** on items on the agenda - none
3. The Councillors unanimously **approved the minutes** of the previous meeting of 22nd June 2020 and these were signed by Cllr Madocks Wright. **Matters arising** and other normal **agenda points** to be carried forward to the next meeting, to enable this extraordinary meeting to focus on the agenda points.
4. Cllr Madocks Wright introduced the **Public questions and comments** section of the agenda.

Cllr Madocks Wright read through the email sent to her, as Chair of the Parish Council, on Sunday 14th June as reproduced verbatim here:

*"To the parish council of Grimston, Saxelbye and Shoby
To the chairman Mrs Henrietta Madocks Wright,*

We would personally like to thank a MR M Petty for succeeding in gaining a asset of community value on the Black Horse Grimston.

His personal achievement must be very joyful at this time and what a remarkable person to make history within the Parish, we would also like to thank the support of the 13 residents who took the time to write personal statements to help with the application it's a been a real achievement.

The owners are offering the community the opportunity to purchase the Black Horse.

Market value of the property is £600,000

The Sale price of the Black Horse is £600,000 (strictly no offers)

The property and business will come as seen.

Fixtures and fittings will be included within the sale (a detailed inventory will be drafted)

Looking into the objections that have been received for the planning application, 177 people have objected it would work out to be £3390.00 per person to help the parish keep the business in its current format.

At this time the restructure will still be moving forward.

Previous ancestors have shown great support within the parish by giving time and money to all good cause's and to this day the family is still giving towards the parish, as a gesture of goodwill the owners will offer £750.00 towards legal fees.

All correspondence can be addressed to a Mr H Wakefield at: The Black Horse, Grimston, Melton Mowbray, Leicestershire LE14 3BZ

Email:

blackhorsegrimston@my.com

Kind Regards,

*Haydn Wakefield
14th June 2020"*

Cllr Madocks Wright detailed that she contacted MBC on Monday 15th June and was advised to hold fire and await further advice from MBC Community Policy Officer. It was not until Tuesday 23rd June that MBC advised the Parish Council that the first moratorium of the community right to bid relating to the ACV had been triggered, the day after the Parish Council meeting on the 22nd June. This gives the deadline of Sunday 26th July as the deadline to trigger the second moratorium, if required. The research carried out about the ACV process had shown that the premises had to be on the open market – something we now understand is not always the case.

Clerk Kemp detailed that independent legal advice, via LRALC (Leicestershire & Rutland Association of Local Councils) was gained – which included that *“ the Parish Council contact the borough council to establish the timescales involved and when the six-week moratorium is due to expire. There is nothing to stop other community interest groups coming forward to express an interest in bidding as the right to bid is not limited to the organisation that nominated the asset in the first place. However, organisations should only invoke the full moratorium period where there is a genuine intention to submit a bid which is backed up by a sound business case.*

As the Parish Council does not have the General Power of Competence it would not be able to operate and run the Black Horse as a public house as this would constitute trading. If the Parish Council wishes to purchase the pub with public funds and foresees it continuing to function as a pub it will need to give careful consideration to whether there is a market to lease the pub to a third-party organisation successfully.”

The legal contact re-emphasized that for a parish council to take on this project they must be aware it is public money they are using and it is more usual for a community group to progress the right to bid; and that this must be a business case likely to succeed – on what basis can it (the pub) be successful?

Clerk Kemp also detailed the flow chart and 6 main points about ACV, as shown in the agenda issued and on the appendix of these minutes.

Cllr Madocks Wright asked the public to consider the 2 questions as detailed on the agenda

- Q1 Do the community wish the parish council, or themselves, to trigger the 6-month moratorium? – the deadline for this is Sunday 26th July.
- Q2 Do the community wish to form a community group to progress their right to bid?

Cllr Browne emphasized that this is the opportunity for the community to give its views to provide a mandate for the parish and its Parish Council to move forward, and that all are encouraged to speak. This was supported by Cllr Orson. A member of the public asked the community to come together and support the triggering of the second moratorium. A couple of members of the public spoke and supported this.

A member of the public expressed that this was such a short time scale before the first moratorium was due to expire that they would like it extended by triggering the second stage. The price has to be a realistic open market price for the pub.

A member of the public said the pub is a big part of the village and a big decision for the village, they needed 6 months. A member of the public suggested holding a physical meeting in the village hall.

A member of the public asked if the PC owned the village green on 14 May 2018. Cllr Easom provided background to this and confirmed that the title was transferred to the Parish Council decades ago, but that this transfer has not yet been registered at the Land Registry. Nevertheless, in law, title to the village green rests with the Parish Council and did so on 14 May 2018.

A member of the public asked why this question had been raised. The reply was that it was to give clarity of a point made at the MBC planning application meeting regarding the Black Horse pub.

A member of the public asked if anyone was going to the Melton Times? Cllr Madocks Wright asked if any journalists were present and no one replied. The Parish Council has no intension of going to the press, but Cllr Madocks Wright reminded people that the Parish Council meetings are public.

Cllr Madocks Wright asked for a vote from the public in attendance on the 2 questions.

Q1 – 14 yes

Q2 – 18 yes

These numbers are of the public only, the Parish Council, Cllr Browne and Cllr Orson took no part in this vote.

5. Matters arising

5.1 Cllr Madocks Wright detailed the outcome of the MBC planning meeting 2nd July 2020 in respect to the planning application by The Black Horse – ref 20/00391/FUL

The meeting was watched by 14 people on YouTube. The MBC planning committee discussions included parking & toilet provision; access to Hillside Farm; the proposal not ticking the boxes for any of the national or regional policies; effect on local businesses such as B & Bs etc.

The MBC planning committee agreed unanimously to support the council recommendation to refuse the planning permission. The planning application was refused. An appeal can be raised.

Cllr Madocks Wright read the statement as emailed to the Parish Council on 6th July:

“In pursuance of its powers under the Town and Country Planning Act 1990, the Melton Borough Council refuses to permit the carrying out of the development referred to in Part 1 hereof for the following reasons :-

1. In the opinion of the Local Planning Authority the proposal would, if approved, result in the provision of additional dwellings in an unsustainable location. The development occupies a location where there are limited local amenities, facilities and jobs, and where future occupiers are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policy SS3 of the Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need (and subject to other criteria).

2. The proposed development would result in the loss of a valuable community facility, to the detriment of the life of the community, contrary to Policy C7 of the Melton Local Plan and Paragraphs 83 and 92 of the National Planning Policy Framework. Insufficient justification has been supplied that shows compliance with these policies with limited other facilities in the village. It is not considered that sufficient detail has been submitted to demonstrate that the Public House can no longer be utilised as such.”

5.2 Cllr Madocks Wright asked the Councillors their views on The Asset of Community Value (ACV) of The Black Horse and the related community right to bid, following the owners of The Black Horse informing Melton Borough Council on the 14th June of their intention to dispose of the asset.

Cllr Lomas said that there was little doubt that the community wishes to extend the moratorium and their right to bid. Cllr Easom agreed and that the 6 weeks was insufficient. Cllr Read agreed to trigger the second stage. Cllr Marsh agreed. The Parish Council unanimously agreed to trigger the 6-month moratorium on behalf of the community.

Q1 Do the community wish the parish council, or themselves, to trigger the 6-month moratorium? Yes

During the public session the community had expressed their wish to form a community group to explore the community right to bid. The Councillors unanimously agreed they would not involve the Parish Council as a body, in this group. The community should set up and form a group.

Q2 Do the community wish to form a community group to progress their right to bid? Yes

A member of the public asked if the Parish Council zoom account could be used for the community group. This was not agreed.

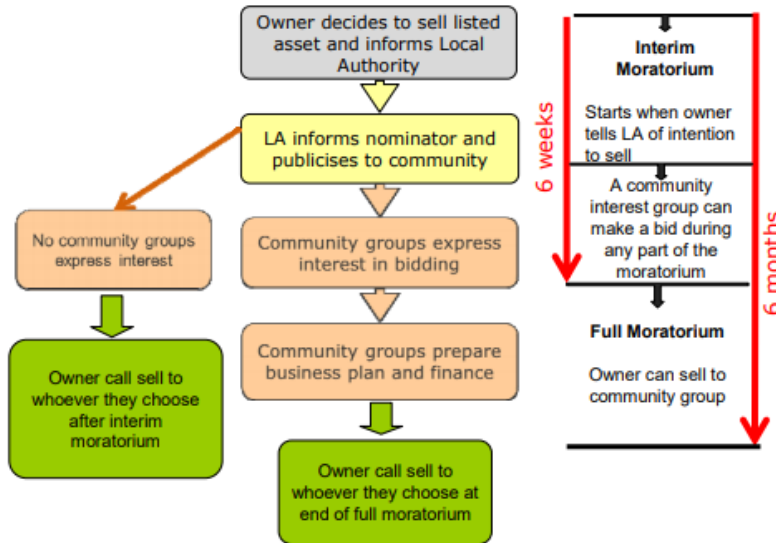
6. Any Other Business. None

7. Date and Venue of the next Meeting – 27th July on-line.

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| Chair to sign the minutes as approved | |
| Print name | |
| Date | |

Appendix:

What is the Asset of Community Value process relating to The Black Horse once the owners told Melton Borough Council their intention to dispose of the asset?



6 key facts relating to the process

1. The first part is a 6-week interim moratorium period, which will apply in all cases, from the point the owner notifies the local authority. This will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the 6 weeks.
2. If a community interest group does make a request during this interim period, then the full 6-month moratorium (again from the point the owner notifies the local authority) will operate. During this period the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period – either during the interim or full moratorium periods.
3. After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to whomever they choose and at whatever price, and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell).
4. These provisions do not restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do not confer a right of first refusal to community interest groups (unlike the Scottish scheme).
5. The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However, the fact that the site is ACV listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case
6. During the interim moratorium period a community interest group may request in writing to be treated as a potential bidder for the asset; this will bring the full moratorium period into force. The community interest group does not have to provide any evidence of intention or financial resources to make such a bid.