

REPORT of the WHITE HORSE INN COMMITTEE MEETING held on Saturday 29th October 2016

In attendance; Cllr's Johnson, Pritchard & Whitfield
25 members of the public

1. **Election of committee chair.** Proposed by Cllr Whitfield, seconded by Cllr Pritchard, that Cllr Johnson be elected committee chair. Agreed
2. **Election of deputy Chair:** Proposed by Cllr Whitfield, seconded by Cllr Johnson, that Cllr Pritchard be elected deputy chair. Agreed
3. **Apologies for absence:** None
4. **Declarations of interests and requests for dispensation:** None:
5. **Committee Terms of reference: (ref: 61/16 7th September 2016):** Terms of reference resolved by full council re-affirmed for the framework of the committee. These include: the goal; objectives; structure/composition/skills required; terms of reference; and executive powers granted by council. Unanimously agreed.
6. **To consider inclusion of a democratic ten minutes at meetings of the Committee and include this if resolved:** Members unanimously agreed that there should be an opportunity for members of the electorate to speak.

The meeting was opened up to allow the public to speak: (Advice had been received during councillor training not to name members of the public in the minutes).

A resident requested that there should be more meetings and a longer time for the public to express their views. *Response: The council is bound by legislation and this committee cannot speak on behalf of whole council. Defer to the next council meeting to make the decision.*

An open public meeting was requested. *Again this Committee is not permitted to speak on behalf of full council - defer to next council meeting.*

Council should take note of the findings of the recent questionnaire. *Agenda item 8.*

There was a lot of frustration expressed by members of the public and some rash words spoken after which a resident requested that everyone should be courteous to each other, move forward together and have an open discussion.

7. **Update on recent contact with Burghley Estates including the meeting held on 18th October 2016 (ref 46/16 8th August 2016):** A planning meeting had been arranged by David Pennell Burghley Estates with their appointed architects: Simon Harris & Michael Leverton and their planning consultant: Mark Flood. It was considered important that representatives from Morcott Parish Council attended to ensure that their intentions were understood. The clerk consulted LRALC for legal advice to ensure she could attend with a councillor.

At this meeting Burghley Estates set out the time frame for the planning process: They intend to submit a Pre-application by the end of November 2016, followed by full plans end of January 2017. The memo of understanding to be submitted to council by end of November 2016.

Cllr Johnson reiterated to Burghley the concerns raised from the village responses following the exhibition in July of which they had copies, about inadequate parking for the White Horse Inn and the density of housing in the paddock. Burghley agreed to consider these points.

8. **To consider nominations for non-voting residents of Morcott with supporting skills to join this committee. (Ref 3/iii 7th September 2016):** Members agreed that the skills required to support the White Horse Inn committee as non-voting members are: Accountancy, legal and planning and commercial development.

Cllr Whitfield, seconded by Cllr Pritchard nominated Mike Willis (Accountancy). Agreed
Cllr Pritchard, seconded by Cllr Whitfield, nominated William Harbage (Legal) Agreed
Cllr Johnson, seconded by Cllr Pritchard nominated Philip Giles (Commercial property development).
Agreed

The clerk was requested to contact the above named for acceptance. (Mike Willis who was at the meeting as a member of the public subsequently declined)

9. **To consider a response to the recent “..... before the Horse has bolted!” questionnaire independently originated and circulated by a group of residents.**

Cllr Pritchard commented that although he would like to recognise the effort & energy of the group of residents who originated the questionnaire he took the view that unfortunately the results of the questionnaire were undermined by the leading questions and half-truths throughout the document. As a result the exercise lacks legitimacy. The statements and questions in the questionnaire were misleading and the process used to collect the completed questionnaires and count the results appears to have involved some coercion. The distribution and collection process seems patchy as no one knocked on his door which leads him to question the conclusions published and the legitimacy of the numbers declared as the results.

Cllr Whitfield commented that the problems he has with this questionnaire go back to the leaflet distributed by David Joyce on 7th July 2016. As part of this leaflet what was proposed was that one of the options is “a smaller pub with charm and character” but with no explanation of how that is to be achieved. This theme continues throughout the leaflet – particularly as a freehold pub – but for the freehold to change hands (which is implicit) there has to be a willing buyer and a willing seller and there is no sign of either – the whole thing falls flat at that point – there a number of people (including me) who would prefer a nice smallish pub which was successful but this is not a realistic option and is quite out of the question.

Councillor Johnson commented as follows:

I attended the results meeting of this questionnaire and there seems to be some misunderstanding that I attended as Chairman of the Parish Council which is being quoted by the originators as lending some legitimacy to the questionnaire. I need to make it clear that I attended the meeting as an individual, not as the Chairman of the Parish Council as it was not a Parish Council Meeting & thus it was not appropriate for me to comment at the results meeting.

However I do have several observations on the questionnaire and the process which was adopted which I would like to make: I believe the questionnaire seeks to mislead in its opening statements

(1-5) by various means. It obviously guides opinion rather than allows open opinion and whilst I might take the view that those opinions are genuinely felt by the people that originated the questionnaire I believe it to be misleading. In addition it contains a number of opinions stated as facts and this is not made clear by the authors.

Particularly point 3 on a “super” pub – it is important to understand that the footprint of the public house is not changing & there is no proposal to extend the footprint of the public house outside the limits that it currently occupies. It is true that the stable block, which is part of the pub, is proposed to be converted into 5 bedrooms of accommodation but the footprint will not be enlarged. Point 4 falsely states that the village has been given no opportunity to question the proposals in an open forum – that was precisely the point of the public consultation exhibition held on 12th July. This laid out precisely and in a lot of detail exactly what the proposals were and offered an opportunity for the public to ask questions and state their views at that point. We had 106 people attend the exhibition, the majority of whom were residents (whose names we recorded but have not named at any point). The whole point of the exhibition was to allow residents to challenge the intended proposals taking advantage of the expertise present at the exhibition. A lot of residents engaged in this process and the subsequent feedback was very positive. The questionnaire which accompanied the exhibition was an open questionnaire compiled according to best practice with 5 alternative responses to each of 6 open questions plus the ability to express a personal opinion. All of the responses were collated on a completely open basis and that questionnaire was opened in the presence of a fully independent adjudicator who audited the questionnaire as it was being unpacked. The results of this questionnaire were openly discussed at the next Parish Council meeting in August and were posted in a great deal of detail online where they have been, and still remain, available. Point 5 demonstrates a misunderstanding of the approval process which applies to a planning application. It is disappointing that the group of concerned residents, who include a Parish Councillor, are not being advised by him that the Parish Council cannot approve or disapprove a planning application; it can only recommend a proposal. The planning approval process is entirely in the hands of Rutland County Council. The questions in the questionnaire are loaded and misleading and guide towards certain responses. For example point b) (a freehold pub as a hub) has never been on the agenda with Burghley as Martin has said. The sale of the freehold has always been excluded by Burghley (even when Councillor Joyce was directly involved with Burghley) & has not therefore been considered in discussions with them. It is important to note that the pub has failed continuously over the last twenty years when it has been in that form as a small pub. In terms of the process: the questionnaire was delivered to households and it was fairly obvious at the results meeting that the number of residents in a household was just totalled up and allocated as responses which is not valid. The difference with the public consultation questionnaire was that it was assessed by the questionnaires being counted individually towards the result that was declared not the number of residents represented by the household. I think the counting of a group of residents in a household as separate responses in the “...before the Horse has bolted” questionnaire invalidates the results of this questionnaire. The other part of the process which causes the “...before the Horse has bolted” questionnaire to be invalid is that the questionnaire was delivered house to house and was then collected by individual collectors. It was notable that the collectors were charged with obtaining results to the questionnaire and even appeared to apologise when they couldn’t obtain the desired result. This issue on the process is pertinent to the results being declared and in my view it is not a valid questionnaire. We will list separately the objections we have to the questionnaire.

There were objections from some members of the public attending to some of the observations made.

10. : Responses to Questions raised by Cllr Joyce to Cllr Johnson.14th September 2016

1. At the meeting, last week, when I suggested that I was not overly comfortable with the Chairman of MPC also being the Chairman of the White Horse Committee I was told it was a legal necessity. I have looked into this and I accept that where there is a full meeting of the Parish Council the Chairman, if present, must preside, but I cannot see that this applies to a committee. To satisfy my curiosity please can you supply me with chapter and verse, and then explain why if the Chairman legally has to Chair any committee, Nick is supposedly the Planning (sub-) committee Chairman and not you. I put 'sub' in brackets because notwithstanding what MPC has chosen to call it the planning 'team' has been chosen from the full Council and therefore clearly is a committee because a sub-committee is formed from a committee.

This was previously responded to by the Clerk as follows:

I need to set the record straight regarding charring meetings. It was I who suggested that the elected full council chair has to chair committee meetings if the chair attends them. I did also say that I will check the legislation behind this as I could be incorrect. I was incorrect and realised that after the meeting but there is no legislation to say that the full council chair must chair a committee. It is up to the committee to elect the chair who in their opinion will be the best person for the job.

2. At the same time, I think that I should mention that intrigued by Mike Debar's question and your reply I chose to look up the details of the pub at Old. From the accounts filed at Companies House it seems the Company is insolvent and made a loss in the financial year 2015. Can you clarify why you accepted advice from them, and whether the WHWP undertook proper investigations into their background before accepting their offer of help? I note that the pub at Old apparently has no experience of letting rooms and therefore question who decided to introduce them into the equation.

Councillor Johnson's response is as follows:

It is a great pity that Cllr Joyce did not choose to attend the Public Consultation Exhibition held from 14.00 to 20.00 on 12th July 2016 (along with the 106 people that did attend) as this may have enabled him to have a fuller understanding of the proposals as well as ask questions concerning the proposals. It may be that Cllr Joyce is just intent on trying to discredit the work done by the White Horse Working Party by any means including being deliberately misleading.

The business plans were built up utilising a number of expert advisors including the British Beer & Pub Association, Pub-is-the-Hub, and the Proper Pub Co. The business plans were drawn up by the members of the Working Party who have extensive experience of drawing up business plans over the last 20 years or more. The preferred future configuration of The White Horse including letting accommodation was an output of several discussions with these parties and not the output from a single party. The White Horse Working Party discussed the issues raised and concluded that letting accommodation was an essential element of a sustainable business plan.

Cllr Joyce is fundamentally incorrect and obviously seeking to make an unjustified inflammatory point in his assertion that the Proper Pub Co is insolvent. In fact, the published accounts contain a statement of going concern that he seems to have ignored completely. His assertion is therefore not based on published fact and is an erroneous and misleading conclusion. The accounts of the Proper Pub Co are publically available on the Companies House website and were consulted at the time.

However, and to provide a balanced view, it is true that the Proper Pub Co accounts filed to June 2015 show a deteriorating balance sheet although as a small company the profit & loss statement

was not included in the filing. There are many possible reasons for a negative balance net asset line, particularly in a low asset business which leases, rather than owns its main asset and wishes to minimise its tax liabilities.

Although he obviously has no accountancy experience I assume that Cllr Joyce will be aware of balance sheets as he is involved in managing his own family farming business including the several parcels of land and several properties he owns in Morcott, or in which he has a family interest. Cllr Joyce has, in the past, also been a partner in a property development partnership (Hallcroft Properties LLP): although after making a loss of almost £3000 in 2009 this venture appears to have failed and been wound up in 2011, at a similar time to when RCC refused Cllr Joyce's application to have an allocation to build houses on a parcel of his land in Morcott (just off Seaton Road) included within the Local Plan.

Property based businesses tend to be asset rich, while farming businesses are similar but additionally qualify for EU subsidies which prop up the business: neither is comparable to a pub operating business such as the Proper Pub Co.

There is no reason to conclude that the information filed on the Proper Pub Co means that they are not a suitable source of advice. In fact, the opposite is true – because the directors of the Proper Pub Co have first-hand experience of successfully tackling the revitalisation of a village pub in a similar situation to ours their advice was relevant. The White Horse Working Party was able to learn from their experience and incorporate these learnings in our business plans projections for The White Horse along with advice from other sources.

3. I am concerned by the following WHWP statement (or was it a Burghley statement adopted by the WHWP?

'In order for The White Horse to be viable and sustainable it must be renovated to a high standard and provide a unique proposition in the local area. '

Because the statement is not supported by the proposal displayed at the exhibition, which contrary to being unique is so similar to the formula used by a large number of pubs in the locality, some of which are on the market/closed and for sale, it may explain why Burghley is seemingly unwillingly to invest any of its own money in the venture. The fact that Burghley will (retain the freehold, take a market rental, but will) not invest money in what it and the WHWP 'sold' the proposal to the village as viable venture does not rest easily with me.

Councillor Johnson's response is as follows:

Given that Cllr Joyce did not choose to attend either the Exhibition or the pre-briefing for councillors prior to the exhibition I am not surprised that he is misinformed and that as a consequence makes inaccurate assumptions and misleading statements.

The statement that he quotes concerning viability & sustainability was included in the display boards prepared by the White Horse Working Party and presented at the exhibition. This statement was originated by the White Horse Working Party as part of the work done on the Vision and Specification for The White Horse undertaken by the Working Party that has been previously published to and debated by MPC (and has been in the public domain for some time).

Following consultation with our partners (such as Pub-is-the-Hub) the White Horse Working Party took the view (and MPC subsequently agreed) that, as the pub had failed repeatedly over the last 20 years, there was no point in just proposing to resurrect The White Horse as it had been and that the proposition for the future needed to be improved to ensure it remains sustainable.

The proposition in the proposals contains elements which will, in combination, make The White Horse a unique proposition in the local area. The objective is not a "super" pub as has been misleadingly stated by those who want to denigrate the proposals, indeed it is not proposed that the footprint of the pub increases in size at all.

A high standard of renovation is necessary as the current arrangement & standard of the facilities falls well below the requirements for a successful public house. This particularly applies to the staff accommodation as well as the public areas of the pub. The costs of such an extensive renovation and refit would not be justified for the freeholder by the application of a lease at market rate for the pub. However, a lease above market rate would not allow the tenant to develop a sustainable business. Thus, for the tenant of the pub to be able to make it sustainable some other mechanism needed to be found for the freeholder which makes commercial sense and provides a commercial payback.

It is important to note that the overall footprint of the pub will not have been enlarged – this is contrary to the misleading statements of some residents (including Cllr Joyce) who have decided to refer to the proposal as a “Super” pub to denigrate it. As stated at the exhibition the overall design of the exterior and interior of The New White Horse is still to be finalised and points made at the exhibition will be taken into account.

4. I also would question the following statement made at the exhibition....

‘It is the view of the White Horse Working Party that: Development of this site could reasonably be argued to satisfy Morcott’s housing needs for years to come & any further development could be successfully resisted’ At the last meeting, it was again stated that ‘any planning application will be treated on its merits’ therefore can any member of the WHWP provide substantive written evidence to support that statement and if not explain why it was deemed appropriate to use such an evocative statement in a public display?

Councillor Johnson’s response is as follows:

Had the Cllr Joyce chosen to avail himself of the opportunity to attend the pre-briefing for councillors prior to the exhibition he would have had an opportunity to ask this question at that time. The statement he refers to was the view of the working party (as stated at the exhibition) which was arrived at in open discussion. The view was based on the informal meeting held on 29th February 2016 with Dave Brown (the Director of Environment & Places for RCC) who has the responsibility for the planning function. The meeting was attended by three representatives of Burghley Estates and two members of the White Horse Working Party. The feedback from this meeting was reported previously to the Working Party and subsequently to MPC. The statement quoted as the view of the working party was paraphrased from statements made by Dave Brown in the context of the meeting and referred to the current Local Plan horizon which is from 2016 to 2036. The Working Party debated this and thought it an important element of information to impart to the Council and the village. It does not conflict with the view that any planning application will be treated on its own merit as it obviously refers to a negotiating position.

11. Date of next meeting Saturday 12th November 2016 9.00 am

Meeting closed at 9.50 a.m.