



## **Record of Cabinet Portfolio Holder Decision**

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Decision made by</b>	Portfolio Holder for Growth and Prosperity
<b>Decision Title</b>	Gaddesby Neighbourhood Plan progresses to Referendum
<b>Key decision?</b>	No. Has no significant impact on two or more wards.
<b>Date of decision (same as date form signed)</b>	27 October 2020
<b>Name and job title of Officer requesting the decision</b>	Jim Worley – Assistant Director for Planning and Regulatory Services
<b>Officer contact details</b>	<a href="mailto:jworley@melton.gov.uk">jworley@melton.gov.uk</a>
<b>Decision</b>	Decision to advance with the Gaddesby Neighbourhood Plan to the Referendum stage after accepting the recommendations given by the Examiner in his report.
<b>Reason for Decision</b>	<p>The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the Local Planning Authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004). If the Local Authority is satisfied that it meets the basic conditions it must make a decision to proceed to referendum as soon as reasonably possible. As stated in the NPPG (paragraph 093, Neighbourhood Planning), a Decision Statement should be issued within 5 weeks of receipt of the examiner's report (namely 31<sup>st</sup> July 2020), giving Melton Borough Council until the 4<sup>th</sup> September to issue the Decision Statement.</p> <p>In addition to accepting/declining the</p>

	<p>examiner's recommendations, the Council will need to:</p> <ol style="list-style-type: none"> <li>1) Be satisfied with the Neighbourhood Plan</li> <li>2) Check if the Plan is compatible with Convention Rights</li> <li>3) Check if the Plan has regard of the National Policy and Guidance</li> <li>4) Check if the Plan contributes to sustainable development</li> <li>5) Check if the Plan is in general conformity with the strategic policies of the Development Plan</li> <li>6) Check if the Plan breaches EU obligations (SEA Directive 2001/42/EC)</li> <li>7) Check that the Plan is not likely to have significant effects on an European site</li> </ol> <p>This information will need to be considered and added to the Decision Statement</p> <p>Having considered the examiner's recommendations and reasons for them, Melton Borough Council concurs with the examiner's view and has decided to make modifications to the submission version of the Gaddesby Neighbourhood Plan to ensure that it meets the legal requirements including the Basic Conditions as set out in the legislation.</p> <p>The Council is satisfied that the Neighbourhood Plan, as modified, complies with the legal requirements and can proceed to referendum. The Council also agrees with the examiner that the referendum area should reflect the extent of the parish of Gaddesby.</p>
<b>Alternative options rejected</b>	<p>Not following the examiner's recommendations or amending the Plan in a way that was not recommended by the examiner. This option was rejected as the Council concurs with the examiner's view and has decided to make modifications to the draft Gaddesby Neighbourhood Plan. This option would also give the Secretary of State power to intervene.</p>
<b>Legal implications</b>	<p>The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the Local Planning Authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph</p>

10 of Schedule 4a to the Town and Country Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004). If the Local Authority is satisfied that it meets the basic conditions it must make a decision to proceed to referendum. As stated in The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 (regulation 18A) a Decision Statement should be issued within 5 weeks of receipt of the examiner's report (namely 31st July 2020), giving Melton Borough Council until the 4th September to issue the Decision Statement.

The Referendum itself is currently prohibited until May 2021 under Regulations introduced by the Coronavirus Act 2020 : The Local Government And Police And Crime Commissioner (Coronavirus) (Postponement Of Elections And Referendums) (England And Wales) Regulations 2020

In addition to accepting/declining the examiner's recommendations, the Council will need to:

- 1) Be satisfied with the Neighbourhood Plan
- 2) Check if the Plan is compatible with Convention Rights
- 3) Check if the Plan has regard of the National Policy and Guidance
- 4) Check if the Plan contributes to sustainable development
- 5) Check if the Plan is in general conformity with the strategic policies of the Development Plan
- 6) Check if the Plan breaches EU obligations (SEA Directive 2001/42/EC)
- 7) Check that the Plan is not likely to have significant effects on an European site

Decisions on Neighbourhood Planning are an executive function pursuant to Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

The referendum has to be arranged and operated by MBC but cannot take place until May 2021.

	A grant of £20,000 can be claimed from MHCLG after the publication of the decision statement associated to this decision.			
<b>Financial implications</b>	<p>The referendum has to be arranged and operated by MBC but cannot take place until May 2021.</p> <p>A grant of £20,000 can be claimed from MHCLG after the publication of the decision statement associated to this decision.</p>			
<b>Other implications</b>	None			
<b>Background papers considered</b>	<ul style="list-style-type: none"> <li>- <a href="#">Examiner report (31/06/2020)</a> (link)</li> <li>- <a href="#">Gaddesby NP (submission version)</a> (link)</li> </ul>			
<b>Declarations/conflict of interest?</b>	None			
<b>List consultees</b>		Name	Outcome	Date
	Ward Councillors	R Child		24/08
	Legal	KS	See above	27/10
	Finance			
	Human Resources	N/A	N/A	N/A
	Equalities	N/A	N/A	N/A
	Communications			
<b>Confidential Decision?</b>	No			
<b>Call In Waived by Scrutiny Committee Chair?</b>	N/A			
<b>Has this been discussed by Cabinet Members?</b>	No			
<b>Cabinet Portfolio Holder Signature</b>	<p>Councillor Leigh Higgins ..... Signature</p> <p>27 October 2020 ..... Date</p>			

**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.**

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Form Received	27 October 2020	
Date published to all Councillors	27 October 2020	
Call In Deadline	N/A	

