



**Melton  
Borough  
Council**

## **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>	Hoby with Rotherby Neighbourhood Plan 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>	25 November 2020
<b>Name and job title of Officer requesting the decision</b>	Jim Worley – Assistant Director for Planning and Delivery
<b>Officer contact details</b>	<a href="mailto:jworley@melton.gov.uk">jworley@melton.gov.uk</a>
<b>Decision</b>	Authority to advance with the Hoby with Rotherby Neighbourhood Plan to the Referendum stage after accepting the recommendations given in the Examiner's 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).</p> <p>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), and regulation 18A (The Neighbourhood Planning (General) Regulations 2012) a Decision Statement should be issued within 5 weeks of receipt of the examiner's report (namely 20<sup>th</sup> October 2020), giving Melton Borough Council until the 24<sup>th</sup></p>

November to issue the Decision Statement.

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

This information will need to be considered and added to the Decision Statement.

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 Hoby with Rotherby Neighbourhood Plan to ensure that it meets the legal requirements including the Basic Conditions as set out in the legislation.

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 Hoby with Rotherby.

It should be noted that referendums are postponed until 6 May 2021 (The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020) given the global pandemic. These provisions will be kept under review.

Taking this into account, once the Decision Statement is issued, the plan can be given significant weight in decision-making (NPPG

	para 107 Reference ID: 41-107-20200925 and Coronavirus Act 2020)
<b>Alternative options rejected</b>	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 Hoby with Rotherby Neighbourhood Plan. This option would also give the Secretary of State power to intervene.
<b>Legal implications</b>	<p>Some legal implications are contained within the decision record.</p> <p>Referendums - All neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the <a href="#">Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020</a> until 6 May 2021.</p> <p>Decision Making - Decisions on Neighbourhood Planning are an executive function pursuant to Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.</p> <p>Examinations - The general rule remains that examinations should be conducted by written representations. If an examiner considers that oral representations are necessary, these should not take place in person. Wherever possible, oral representations may still take place using video conferencing or other suitable technologies.</p> <p>Public consultation - The Neighbourhood Planning (General) Regulations 2012 require neighbourhood planning groups and local planning authorities to undertake publicity in a manner that is likely to bring it to the attention of</p>

	people who live, work or carry on business in the neighbourhood area at particular stages of the process.																												
<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> <p>This amount will be built into the 2021/22 budget.</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="#">Hoby with Rotherby NP</a> (submission version)</li> </ul>																												
<b>Declarations/conflict of interest?</b>	None																												
<b>List consultees</b>	<table border="1"> <thead> <tr> <th></th> <th>Name</th> <th>Outcome</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Ward Councillors</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Legal</td> <td>Kieran Stockley</td> <td></td> <td>18.11.20</td> </tr> <tr> <td>Finance</td> <td>DS</td> <td>Agreed</td> <td>18/11/20</td> </tr> <tr> <td>Human Resources</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>Equalities</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>Communications</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Name	Outcome	Date	Ward Councillors				Legal	Kieran Stockley		18.11.20	Finance	DS	Agreed	18/11/20	Human Resources	N/A	N/A	N/A	Equalities	N/A	N/A	N/A	Communications			
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<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 Portfolio Holder for Growth and Prosperity</p> <p>25 November 2020..... Date</p>																												

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

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Form Received	25 November 2020	
Date published to all Councillors	25 November 2020	
Call In Deadline	Not applicable	