

 Executive 1 October 2014		Agenda Item No. <h1>12A</h1>
Title	Use of Emergency Powers in respect of the Barford Parish Boundary and Neighbourhood Plan Area	
For further information about this report please contact	Graham Leach Tony Ward	
Wards of the District directly affected	Budbrooke	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	31/8/2014 1/9/2014	Chris Elliott Andrew Jones
Head of Service		
CMT	8/9/2014	
Section 151 Officer	4/9/2014	Mike Snow
Monitoring Officer	1/9/2014	Andrew Jones
Finance	4/9/2014	Jenny Clayton
Portfolio Holder(s)	11/9/2014	Councillors Mobbs & Hammon
Consultation & Community Engagement		
Barford Parish Council Bishop’s Tachbrook Parish Council Warwick Town Council Councillor Barrott, Councillor Boad, Councillor MacKay and Councillor Mobbs (As Group Leaders) Councillor Illingworth (As Chairman of the Licensing & Regulatory Committee)		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The report informs the Executive of the use of the Chief Executive's Delegated Authority (CE4) to confirm the revised Parish boundary for the Parish of Barford and establish the Neighbourhood Plan Area for Barford.

2. **Recommendation**

- 2.1 To note the decision by the Chief Executive in consultation with Group Leaders under (CE4) of the Constitution to confirm the revised Parish boundary for the Parish of Barford and establish the Neighbourhood Plan Area for Barford, as defined in the plan at Appendix 2 to the report.

3. **Reasons for the Recommendation**

- 3.1 Under the Officer Scheme of Delegation the Chief Executive has delegated authority (reference CE(4)) to Deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executives, Heads of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting.
- 3.2 The Council is currently undertaking a Community Governance Review of the Parish/Town Council boundaries. This follows on as a requirement after the review of the District Council boundaries by the Local Government Boundary Commission for England (LGBCE).
- 3.3 One of the recommendations from the Community Governance Review was to realign the Parish boundary for Barford into a smaller more defined area, within improved, clearly defined boundaries. This was supported by Barford Parish Council and by the neighbouring Parish Councils who would gain extra land. No properties were affected by this proposal.
- 3.4 At the same time this review was being undertaken, Barford Parish Council were also trying to progress their Neighbourhood Plan, and had made a valid application for the area of the Parish Boundary. This was unable to be progressed until any revisions to the Parish boundary were confirmed by the Council's Licensing & Regulatory Committee.
- 3.5 It was intended that all the changes to the Parish boundaries would be determined by a meeting of the Licensing & Regulatory Committee in September 2014. However, in the specific case of Barford this would impact adversely on the ability to draw funding from Central Government for Neighbourhood Planning.
- 3.6 For this reason it was agreed that the Chief Executive would take the decision to confirm the revised Parish boundary for the Parish of Barford and establish the Neighbourhood Plan Area for Barford, as defined in the plan at Appendix 1 to the report.
- 3.7 The Chief Executive consulted via email with Group Leaders on 6 August 2014 and also copied in the relevant Ward Councillors and Parish/Town Councils to make them aware of the proposal. Support was received from three of the Group Leaders and no response was received from the fourth. In addition support for the proposal was received from the Ward Councillors for Budbrooke and Chairman of the Licensing & Regulatory Committee.

3.8 The revised boundary for the Parish Council is smaller than that requested for the Neighbourhood Plan. Therefore, in effect the decision of the Chief Executive was to refuse the Neighbourhood Plan application but agree a revised Neighbourhood Plan boundary based on the, now smaller, Parish Council boundary. This removed the need for a new application from the Parish Council and a further consultation period of six weeks which would otherwise have led to the likelihood of losing the central government funding for the Neighbourhood Plan.

3.9 Appendix 1 to the report shows the revisions to the Parish boundary and Appendix 2 to the report shows the now confirmed Parish boundary and Neighbourhood Plan Area.

4. **Policy Framework**

4.1 **Policy Framework** – The report does not impact upon the Council's policy framework but will eventually when the Barford Neighbourhood Plan is adopted as it will be part of the Development Plan for the District.

4.2 **Fit for the Future** – Facilitating the preparation of a Neighbourhood Plan will help to encourage local involvement in shaping the future of the District and so will assist in helping to make Warwick District a great place to live, work and visit.

5. **Budgetary Framework**

5.1 The report does not impact upon the Council's budgetary framework.

5.2 The Council has an approved budget for undertaking Community Governance Reviews which this decision does not affect.

5.3 The continuing progress afforded by the designation of this Neighborhood Plan area will enable Barford Parish to draw down government funding to assist their work.

6. **Risks**

6.1 The order will be written once decisions have been made on 18 September. The new boundaries would come into force on 1 April 2015. From conversation with LGBCE – if a boundary change does not affect a District or County boundary then it can come into force but if the change does affect a District or County boundary, then the final decision has to come from them. Advice will be provided to the Council on this matter by 5 September 2014.

6.2 The introduction of the order and boundaries may impact on the Neighbourhood Plan process and therefore the above risk has also been passed to Legal Services for consideration and will be updated in the report in due course.

7. **Alternative Option(s) considered**

7.1 No alternative is proposed as the decision has been taken.

8. **Background**

- 8.1 In September 2013 a meeting of Barford, Sherbourne and Wasperton Joint Parish Council agreed to make an application to Warwick District Council for the designation of the Parish of Barford as a Neighbourhood Area for the purpose of producing a Neighbourhood Plan under the Neighbourhood Planning (General) Regulations 2012.
- 8.2 The area to be designated was then duly advertised by the District Council in accordance with the regulations for a period of six weeks. In the interim, work on the draft plan has been progressing, however Executive chose to defer making a decision on the formal designation of the Barford Neighbourhood Plan area at its 8th January 2014 meeting in order to await the outcome of the Community Governance Review (as directed by Regulatory Committee) before agreeing any further area designations.
- 8.3 Barford Parish Council wishes to make progress on the preparation of their Neighbourhood Plan (and in doing so utilise government funding that is only available until the end of December 2014). Barford Parish are aiming to undertake a consultation process in October 2014.