

# Bridgend County Borough Council

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

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### SCHEMES OF DELEGATION OF FUNCTIONS

#### RECORD OF DECISION

#### 1. Scheme Information:

- |  |  |
|--|--|
| a. Decision Reference Number:  | <input type="text" value="CMM-PRU-19-19"/> |
| b. Decision Type (Proposed or Actual):   | <input type="text" value="Actual"/>        |
| c. Scheme under which decision is to be made   | <input type="text" value="Scheme A"/>      |
| d. Paragraph Number:   | <input type="text" value="1.1"/>           |
| e. Does this Decision contain Exempt Information?<br>If so, provide details with reference to paragraph(s)<br>12 to 18, Part 4 and paragraphs 19 to 21, Part 5<br>Schedule 12A, Local Government Act 1972. | <input type="text" value="No"/>            |
| f. Does this Decision contain "Confidential<br>information:  | <input type="text" value="No"/>            |

#### 2. Details of Decision (including details of public interest test used in Part 1(e) above):

To delegate authority to the Group Manager Strategic Regeneration to instruct the Returning Officer under Regulation 5 of the Business Improvement Districts (Wales) Regulations 2005 to hold an alteration ballot for the Business Improvement District in the CF31 area.

It is believed that there are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation on this matter.

#### 3. Reason for Decision (including any reasons for urgency which led to the implementation of the decision before the preparation of this record or before the expiry of 3 working days after the publication of the decision to which call-in provisions apply):

Following a yes vote in the ballot held in September 2016, a business improvement district for the CF31 area and the CF31 Business Improvement District Company Ltd ("The BID Company") was established. Since then, the BID Company has been delivering a programme of targeted projects and services within the CF31 area. The term of the current BID is due to end on 30<sup>th</sup> September 2019, however the BID Company is now seeking to alter the terms of the current BID as set out below and extend it for a further 5 years.. To alter the arrangements, legislation requires

an alteration ballot must be held.

In order to hold an alteration ballot, the BID Company must serve a notice upon BCBC under Regulation 4(2)(a)(ii) of Business Improvement Districts (Wales) Regulations 2005 ("the Regulations") along with supplementary documentation which requests BCBC instruct the Returning Officer to hold an alteration ballot. Following the receipt of the required Notice and supplementary documentation from the BID Company, BCBC, as Billing Authority under the Regulations, must now instruct the Returning Officer to hold the alteration ballot.

It is a statutory requirement that as Billing Authority, BCBC, having received the notice referred to in the previous paragraph, must instruct the Ballot Holder to hold the ballot.

Should authority be given to instruct the Ballot Holder, the intention is for the Ballot Holder to instruct UK Engage to hold the ballot on our behalf. BCBC has used UK Engage previously to carry out ballots on our behalf where we do not have sufficient capacity.

The BID Company has served the required Notice, alteration proposals and provided the required documentation under the Regulations which allows for BCBC to proceed to instruct the Ballot Holder. The Notice, alteration proposals and other required documentation has been reviewed and it is considered that they do not conflict with any other policy formally adopted by and contained in a document published by the Council.

A report will be taken to Cabinet in September to consider the alteration proposals and the implications of those proposals for BCBC, the numbers of council hereditaments within the specified boundary, cost to BCBC and for a decision on how to vote in the alteration ballot.

It is proposed that the BID arrangements be altered in the following manner:

- Boundary - the BID Boundary has been redrawn
- Rateable value – the rateable value of hereditaments within the boundary has changed from £6,000 to £5,000.
- The Levy payment will be increased from 1.25% to 1.5%

In advance of the proposed alteration ballot the BID Company has been consulting with its board of directors and the BID levy payers on the proposals for the 2019 – 2024 manifesto.

In order for businesses to establish a BID it is necessary to undertake a ballot and secure a positive vote. Each separate property occupied or owned by a business rate payer (referred to as a hereditament) attracts a vote. To be successful the vote must meet two tests set down in Section 50 of the Local Government Act 2003:

- "The first condition is that a majority of the persons voting in the ballot have voted in favour of the BID proposals.
- The second condition is that A exceeds B.

A is the aggregate of the rateable values of each hereditament in respect of which a person voting in the ballot has voted in favour of the BID proposals.

B is the aggregate of the rateable values of each hereditament in respect of which a person voting in the ballot has voted against the BID proposals."

If the ballot is successful the BID Company and the BID will continue to operate on the basis of the alteration proposals. If a No vote is recorded the BID Company and the BID will cease to operate on September 30th 2019.

The costs for the last BID ballot were circa £3,000 and it is expected that the costs for the ballot this time will be around the same or slightly higher.

This matter is urgent as upon receipt of a compliant Regulation 4 (2) (a) (ii) notice from the BID Company we are required under the Regulations to instruct the Returning Officer to hold the ballot. The intention is for the ballot to take place on 19<sup>th</sup> September 2019 in order for the new arrangements to take effect before the 30<sup>th</sup> September 2019 being the date the current arrangements end and under the Regulations we must publish notice of the ballot at least 42 days before the day of the ballot. This notice must be published by 8<sup>th</sup> August 2019. Due to the statutory timetable for holding an alteration ballot, the notice of the ballot must be published before the next meeting of Cabinet in September 2019.

The Chairpersons of the Overview and Scrutiny Committees have agreed that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to call-in.

**4. Details of Consultation undertaken prior to the decision or, if none reasons why none undertaken:**

In ensuring that the authority is carrying out its duties appropriately and correctly in line with the BID regulations, Internal consultation has included Legal, Revenue, Electoral Services, Head of Operations – Communities Directorate and Chief Executive.

In accordance with Part 4 Rules of Procedure of the Constitution, consultation has been sought of all three chair persons to agree the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to Scrutiny call-in:

- Cllr Cheryl Green
- Cllr Carolyn Webster
- Cllr John Spanswick

**5. Details of any interest declared in relation to the decision:**

a. by any Cabinet Member consulted in relation to the Decision:

None

b. by any Cabinet Member who would have been the Decision maker except for the declaration of such an interest:

None

- c. details of any dispensation granted by the Standards Committee in respect of interest declared:

None

**6. Contact Details:**

**Case Officer**

**Decision-Maker**

- |                        |  |   |
|------------------------|--|---|
| a. Name:               | Delyth Webb                            | Cllr Huw David  |
| b. Job Title/Role:     | Group Manager - Strategic Regeneration | Leader Bridgend County Borough Council  |
| c. Telephone Number:   | 01656 815204                           | 01656 643225  |
| d. E-mail Address:     | Delyth.Webb@bridgend.gov.uk            | Cllr.huw.david@bridgend.gov.uk  |
| e. Date Decision made: |  | 02/08/2019  |
| f. Signature:          |  |  |

**7. Decision Administration Information (Cabinet & Committee Services use only)**

- |   |        |
|---|--------|
| a. Date received                                | 2/8/19 |
| b. Confirmation of Urgency                      | N/A    |
| c. Date published                               | 2/8/19 |
| d. End of Call - In period (Scheme A & B1 only) | N/A    |
| e. Decision Called in.                          | N/D    |
| f. Effective date of Decision.                  | 2/8/19 |

**Notes:**

1. Electronic copies of this form must be sent to Cabinet & Committee Services (cabinet\_committee) & Member Services (membersbcbc).