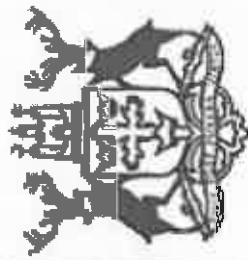


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Nottingham City Council Delegated Decision



**Nottingham
City Council**

Reference Number:

Author:

Department:

Contact:

N/A - Non-executive officer decision

Connie Green

Development

Connie Green

(Job Title: Trainee Solicitor, Email: connie.green@nottinghamcity.gov.uk, Phone: 0115 876 4294)

Subject:

Business Improvement District (BID) Renewal Proposals

Total Value:

Nil (Type: Nil)

Decision Being Taken:

1. Confirmation by the Deputy Chief Executive/Corporate Director of Development and Growth in consultation with the Portfolio Holder for Jobs, Growth and Transport that the BID renewal proposals were not likely to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority and further that they were not likely to have a significantly disproportionate financial burden on any person or class of persons (as compared to other non-domestic ratepayers in the geographical area of the BID).
2. Notes that the Ballot Holder (the Council's Returning Officer) in exercise of his duties under the BID Regulations 2004 instructed Electoral Reform Services to commence the renewal ballot process in accordance with the preferred timescales requested by the Nottingham BID Company.
3. Notes both the content of the draft Operating Agreement under which the Council will collect levies due on behalf of the Nottingham BID and that the document will be presented to the Deputy Chief Executive/Corporate Director for Development and Growth for signature when finalised.
4. Notes that the Portfolio Holder for Jobs and Growth exercised the proxy vote on behalf of the Council in the BID Ballot.

Reasons for the Decision(s)

1. It is a requirement of the BID Regulations 2004 that the billing authority considered the renewal BID proposals and confirmed both that:

- a. they were compliant in terms of the information and documentation supplied; and
- b. that they were not likely to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority and further that they were not likely to have a significantly disproportionate financial burden on any person or class of persons (as compared to other non-domestic ratepayers in the geographical area of the BID).

The BID renewal proposals were considered against the criterion and on the basis of legal and officer advice were confirmed as compliant.

2. Upon receipt of compliant BID proposals the Council's Returning Officer was required to make arrangements to hold a BID Ballot or appoint agents to discharge this duty on his behalf.

3. As the local authority is required to manage the collection and enforcement of the BID levy. This requirement is commonly delivered in the manner agreed between the local authority and the BID proposer under an Operating Agreement. It is recognised best practice under the Department for Communities and Local Government guidance that an Operating Agreement with the local authority be put in place to agree the terms of reference, means of enforcement and the practicalities for the collection of the BID levy before going to ballot. This draft will be finalised in liaison with the BID Company and put in place in time for the implementation of the renewal proposals in January 2016.

4. The Council has hereditaments within the proposed BID area that will be subject to the BID levy. Therefore full Council appointed the Portfolio Holder for Jobs and Growth who voted on behalf of the Council in respect of these hereditaments.

Briefing notes documents:

Briefing note 26.06.15.docx

Other Options Considered:

Not to consider the BID proposals - this was not an option as the billing authority is legally required under the BID Regulations 2004 to give formal consideration to the proposals once formally submitted.

The Nottingham BID also offers significant opportunity for inclusive business involvement and full engagement for the Council at both strategic (as a Board Member) and operational (project and service delivery) levels. Risks posed to the Council once the BID company is established are minimal, as demonstrated during the past five years. The risk of the BID not being renewed is that the city centre will lose around £850,000 of potential additional income which would be spent on marketing and operational projects to make the city centre a great place to shop, visit, live and do business.

Other options considered were included in the report to full Council on 9 March 2015.

Background Papers:

Nottingham BID Company Renewal Proposals.

1. Letter requesting ballot.
2. Levy Rules
3. Commencement date.
4. Company information.
5. Map of BID.
6. List of Streets/Hereditaments.
7. Alteration Policy.
8. Business Plan.
9. Draft Operating Agreement/Baselines
10. Consultation documents.
11. Financial information.

Published Works:

Nottingham Business Improvement District (BID) Renewal - Report to full Council dated 9 March 2015 and subsequent minutes of that meeting.

Affected Wards:

Citywide

Colleague / Councillor Interests:

Not applicable.

Consultations:

Date: 09/03/2015

Other City Council Bodies: Full Council

Delegated Authority to take the decision was granted by full Council to the Deputy Chief Executive/Corporate Director of Development and Growth in consultation with Portfolio Holder for Jobs, Growth and Transport.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

The Nottingham BID currently funds projects to support the night time economy, in consultation with the Council, the Police and the Crime and Disorder Partnership, such as taxi marshals, street pastors, late night opening of public toilets, as well as the radio scheme and Shop Watch and Pub Watch to help combat crime against businesses. This supports the Council to deliver its duty under Section 17 of the Crime and Disorder Act to prevent crime and disorder.

Equality:

Please login to the system to view the EIA document: EIA form - BID renewal - revised 13.07.15 (2).doc

Decision Type:

Officer

Executive Decision?

No

Scheme of Delegation
Reference Number or Other
Source of Delegation:

Delegation to the Corporate Director in consultation with the Portfolio Holder as per decision of full Council on 9 March 2015 (minute 99)

Advice Sought:

Legal, Finance, Equality and Diversity

Legal Advice:

Legal Services have provided advice at the key stages involved in the renewal of the Nottingham BID. The decision taker in this instance is being requested to consider the renewal proposals and confirm that they are not likely to conflict to a material extent with any policy formally adopted by the Council, and further that the proposals are not likely to have a significantly disproportionate financial burden on any person or class of persons (as compared to other non-domestic ratepayers in the geographical area of the BID). The decision taker is not being asked to approve the BID proposals, it is for the BID electorate to vote on the renewal proposals and determine whether the BID Company should deliver its renewal proposals over the next five years.

An analysis of the proposals has been undertaken and detailed at paragraphs 1.4 to 2.3 of the briefing note attached to this delegated decision. After an initial consideration, the BID Company was requested to respond to a number of clarifications to enable the Council to complete its consideration of the proposals and be satisfied that they meet the criteria set out in the BID Regulations 2004. The renewal proposals are also considered compliant with the Regulations in terms of the documents and information submitted.

The Council's Returning Officer has instructed Electoral Reform Services an external company to administer the ballot on his behalf, and in accordance with the BID Regulations. The outcome of the Ballot is anticipated on Friday 17 July 2015. Assuming that the outcome of the ballot is a 'Yes' vote, then Legal Services will continue to liaise with the BID Company to finalise the Operating Agreement ready for signature by the decision taker prior to the renewal proposals taking effect in January 2016. Advice provided by Ann Barrett (Team Leader) on 15/07/2015.

Finance Advice:

See attached appendix. Advice provided by Georgina Lewis (Finance Analyst) on 08/07/2015.

Advice documents: Finance Advice DD BID Renewal Proposals.docx

Equality and Diversity
Advice:

The BID offers an opportunity for a continued and collective drive towards ensuring Nottingham City has a vibrant business community able to meet the needs of its customers and citizens. Consideration will need to be given as regards the make up of the BID committee (in terms of protected groups) and whether or not all business (mobile outlets in particular) can be included considering they are likely to be run and serve citizens from lower socio-economic groups. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 15/07/2015.

Signatures:

David Bishop (Corporate Director of Development and Growth)

Signature: 

Date: 21-7-15