

## OFFICER DECISION RECORD (ODR2)

This form records an officer decision and is published in accordance with the Openness of Local Government Bodies Regulations 2014

<b>Date of Decision</b>	<b>14 December 2023</b>
<b>Decision Taker (including Job Title)</b>	<b>Peter Skates, Acting Executive Director - Place</b>
<b>Specific Delegation</b>	<p>This record relates to an officer decision taken under a specific delegation by Corporate Policy Committee on 11<sup>th</sup> July 2023 to the Executive Director - Place.</p> <p>The committee resolution was that subject to the Crewe BID proposal receiving a “yes” vote at ballot; the Executive Director for Place should ensure a final review of the BID proposal and determine whether there is any cause to veto the proposals having regard to all relevant matters as prescribed by the BID Regulations; and following that determination to confirm that the Council will not veto the BID proposals or serve a notice to exercise a veto.</p>
<b>Brief Description of Decision</b>	Not to veto the result of the ballot to approve the Crewe Business Improvement District proposal as declared on 1 <sup>st</sup> December 2023.
<b>Reasons for the Decision and alternatives considered</b>	<p>A Business Improvement District (BID) proposal for Crewe Town Centre was received by the Council together with a notice pursuant to regulation 4(2)(a)(ii) of the Business Improvement District Regulations 2004 requesting the Council as billing authority to instruct the ballot holder (the Authority’s Returning officer) to hold a BID ballot in relation to the BID proposals. A copy of the BID proposal is set out at Appendix A.</p> <p>The Chief Executive as Returning Officer and ‘Ballot Holder’ authorised the holding of the ballot on 6<sup>th</sup> October 2023. A postal ballot was subsequently held with the final date for receipt of ballot papers being the 30<sup>th</sup> of November 2023.</p>

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	<p>The result of that ballot was declared on 1<sup>st</sup> December 2023. The official declaration of results is as at Appendix B. These declare that the proposal to establish the Crewe Business Improvement District covering the areas of Crewe town centre, Grand Junction retail districts leading through to Nantwich Road is approved.</p> <p>The Local Government Act 2003 sets out at S51 that the billing authority has the power to veto the BID arrangements in limited circumstances only. These circumstances are set out in Regulation 12(1) of the Business Improvement Districts (England) Regulations 2004.</p> <p>A veto may only occur where the local authority considers that the BID arrangements would conflict to a material extent with formally adopted and published local authority policy, or alternatively where it considers the BID arrangements would place a significantly disproportionate and inequitable financial burden on any person or class of persons in the geographical area of the BID Proposal caused by the manipulation of that geographical area. This power must be exercised within 14 days of a successful ballot.</p> <p>Corporate Policy Committee considered the BID proposal on 11<sup>th</sup> July 2023 and delegated to the Executive Director Place, in the event of the BID Proposal being approved at ballot, the task of ensuring a final review of the BID Proposal is undertaken and to determine whether there is any cause to veto the Proposal having regard to all relevant matters as prescribed by the BID Regulations; and following that determination, to either confirm that the Council will not veto the BID Proposal or serve a notice to exercise a veto.</p> <p>The BID proposal sets out arrangements designed to support the vitality and viability of Crewe. These ambitions broadly align with Council policy for town centres as set out in the Corporate Plan and the Cheshire East Local Plan Strategy. Officers from Economic Development, Assets, Highways, Business Rates, Democratic Services, Planning, Visitor Economy, and Business Support have been made aware of the proposal. No service has raised any objective to the proposal.</p>
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	<p>The BID boundary has been defined to incorporate 3 key business areas in Crewe and is considered to be a logical boundary. It is not considered therefore that the boundary has been manipulated in any way to impose an inequitable financial burden on any person or class of persons.</p> <p>It is therefore considered that there are no grounds to veto the Crewe Business Improvement District.</p> <p>Not considering whether there are any grounds to veto the BID Proposal would be contrary to the delegation from Corporate Policy Committee on 11<sup>th</sup> July 2023.</p> <p>Seeking to veto the Proposal is not an option given the lack of any identified reason to do so within the limited grounds set out in the Local Government Act 2003.</p>
<p><b>Member consultation and interests declared</b></p>	<p><b>Corporate Policy Committee 11/07/23 ‘Crewe Business Improvement District:</b>  Recommendation 3 That subject to a “yes” vote at ballot; the Executive Director for Place shall ensure a final review of the BID proposal is undertaken and shall determine whether there is any cause to veto the proposals having regard to all relevant matters as prescribed by the BID Regulations; and following that determination shall either confirm that the Council will not veto the BID proposals or serve a notice to exercise a veto’.</p>
<p><b>Significant Decision</b></p>	<p><b>NO</b></p>
<p><b>Legal Implications</b></p>	<p>The Decision Maker should satisfy themselves that the requirements of Regulation 12 of the Business Improvement Districts (England) Regulations 2004 have not been met before deciding not to exercise a veto of the BID Proposal.</p> <p>If there appears to be no grounds under S.51(2) of the Local Government Act 2003 and Regulation 12 of the Business Improvement Districts (England) Regulations 2004 to exercise a veto of the ballot then no veto can be exercised, and the ballot must stand.</p>

	<i>Phil Jennings – Principal Lawyer – Litigation, Employment and Regulatory Team</i>
<b>Financial Implications</b>	<p>I am satisfied that the decision is supportable for the reasons set out below in Section 2 of this ODR; and that there are no additional financial implications beyond those already communicated to and approved by Members in previous related reports.</p> <p><i>Aaron LeCroy, Principal Accountant</i></p>
<b>Confidential/Exempt Information</b>	.
<b>Background Papers</b>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">   <small>PDF</small> </div> <div style="text-align: center;">   <small>PDF</small> </div> </div> <p>Crewe BID Corporate Crewe BID_EG 14  Policy Committee FINNov 2023__FINAL.pdf</p>



**Signed**

**Dated 14<sup>th</sup> December 2023**