

# **MANAGEMENT COMMITTEE**

## **6<sup>th</sup> FEBRUARY 2018**

### **New BID Proposition – Regulations Compliance**

#### **For Decision**

#### **Portfolio Holder(s)/ Briefholder**

Cllr Farquharson

#### **Senior Leadership Team Contact:**

M Hamilton, Strategic Director

#### **Report Author:**

Trevor Hedger, Senior Economic Regeneration Officer

#### **Statutory Authority**

Business Improvement District (England) Regulations 2004

#### **Purpose of Report**

- 1 To determine how the Council may deliver its duties under the Business Improvement District (England) Regulations 2004 for any BID proposition it may receive in 2018.
- 2 To agree a process by which the council may cast its vote in any BID ballot during 2018.

#### **Recommendations**

- 3
  - a) That confirmation for any BID Proposition received by the Council in 2018 is compliant with the Business Improvement District (England) Regulations 2004 with regards council plans and strategies, be delegated to the Strategic Director in consultation with the Economy Brief Holder.
  - b) That any vote cast by the Borough Council in a BID ballot is delegated to the Strategic Director in consultation with the Economy Brief Holder.

#### **Reason for Decision**

- 4 To satisfy the requirement in The Business Improvement Districts (England) Regulations 2004 to notify any BID proposer in writing if their the BID proposals “*conflict with a policy formally adopted by and contained in a document published by the authority (whether or not the authority is under a statutory duty to prepare such document)*”.

- 5 To agree a process by which the council, if eligible in the BID proposition, will determine and cast its vote in any BID ballot.

## **Background and Reason Decision Needed**

- 6 In 2003 Government passed the Business Improvement District (England) Regulations which allowed for the establishment of Business Improvement Districts (BIDs). There are now over 200 BIDs nationally and 6 operate currently in Dorset.
- 7 BID regulations determine that a BID ballot only mandates a BID to operate and deliver its business plan for a period of up to 5 years. To continue beyond a 5 year term, a BID must repeat the process of consultation to develop a new set of proposals, which are then required to be the subject of a ballot of all the businesses in hereditaments likely to pay the levy. A BID can only continue if the ballot result is positive and meets the dual by majority criteria for votes cast and rateable values.
- 8 The BID regulations also require in regulation 4 that the council (as billing authority) notifies any BID in writing if the BID proposals "*conflict with a policy formally adopted by and contained in a document published by the authority (whether or not the authority is under a statutory duty to prepare such document)*".
- 9 The Weymouth BID mandate to operate as a BID finishes at the end of August 2018 and Weymouth BID are preparing a BID proposal in order to ballot for a second BID period.
- 10 The Ballot process, which is postal, has timescales prescribed in the Regulations and requires both a notice of ballot period and ballot period. Allowing for a procurement and commissioning period with the Electoral Reform Society (whom the council has used historically to conduct the BID ballot), the ballot process is of some 12-14 weeks duration from commissioning to declaration of result.
- 11 In order to minimise any delay in the process, and in common with many other councils, this Committee is asked to delegate to the Strategic Director in consultation with the Economy Brief holder:
  - a) To review of the BID's proposition in order to comply with the regulation to notify the BID proposer if there is an identified conflict *with a policy formally adopted by and contained in a document published by the authority*
  - b) To consider and agree how to and then cast a vote in any subsequent ballot on the BID proposal.

## **Implications**

## **Corporate Plan**

Building a stronger local economy  
Empowering thriving and inclusive communities

## **Financial**

There are no financial implications associated directly with this report.  
In the event of a successful ballot the Council, may become liable to pay the BID levy, a statutory charge, if the levy rules defined in the BID proposition include hereditaments for which the council is responsible for payment of national non domestic rate.

## **Equalities**

No implications

## **Environmental**

No implications

## **Economic Development**

Business Improvement Districts are business led initiatives working to improve trading conditions within a defined area.

## **Risk Management (including Health & Safety)**

No implications

## **Human Resources**

No implications

## **Consultation and Engagement**

Economy Brief Holder  
Strategic Director  
Finance  
Legal

## **Appendices**

None

## **Background Papers**

Business Improvement District (England) Regulations 2004

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

**Report Author:** Trevor Hedger

**Telephone:** 01305 252378

**Email:** [thedger@dorset.gov.uk](mailto:thedger@dorset.gov.uk)

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