

REPORT FROM: HOUSING, HEALTH AND ECONOMIC DEVELOPMENT SERVICES MANAGER

TO: EXECUTIVE

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**COLNE BUSINESS IMPROVEMENT DISTRICT (BID)
DEVELOPMENT UPDATE**

PURPOSE OF REPORT

To update the Executive on progress made with developing a BID for Colne, including the next stages of development required to move forward to the ballot stage.

RECOMMENDATIONS

- (1) The Council is satisfied that in accordance to the BID Regulations (the Business Improvement Districts (England) Regulations 2004) that:
 - a) It has received a submission from the BID proposer which includes a copy of the BID proposal and business plan which include all of the details stated in Schedule 1 of the Regulations;
 - b) It has received a notice in writing requesting the Council to instruct its Returning Officer to hold a BID ballot in relation to the BID proposals and that finances are available to cover the cost of the ballot in the event it fails and the number of persons voting in favour is less than 20% of the number of persons entitled to vote
 - c) The BID proposal does not conflict with any existing Council or other public authority policy
 - d) The BID proposal does not impose a disproportionate burden on particular businesses by way of an unfair levy charge on a certain class of levy payers, for example by an inappropriate manipulation of the BID boundary.
- (2) The Council hereby instructs the Chief Executive to prepare a document from its business rates records showing the names of each business ratepayer within the boundary of the proposed, together with the address and rateable value of each hereditament occupied, or (if unoccupied) owned; and to supply a copy of this to the BID proposer.
- (3) The Council hereby instructs the Returning Officer to hold the BID ballot on 28th June 2018.

REASONS FOR RECOMMENDATIONS

- (1) To allow the development of the proposed Colne BID to continue in accordance with the BID regulations.
- (2) To allow the BID to develop in line with the recommended timescales and a BID ballot to take place on 28th June 2018.

Background

1. The Housing, Health and Economic Development Team submitted an update report to the Executive (7th February 2018) which outlined the next stages in developing a BID for Colne.
2. The Executive agreed that, subject to the Colne BID Steering Group finalising the proposal document, the final document be submitted to the Executive in March, 2018
3. Following that meeting the BID proposer has submitted an intention to take the BID Proposal to a ballot of businesses, along with the Colne BID Proposal (Appendix 1). This intention to ballot was submitted on 20th February 2018 to the Chief Executive of Pendle Council and the Secretary of State (Ministry of Housing, Communities and Local Government).

Next stages of development and local authority responsibilities.

4. On receipt of the intention to ballot and BID Proposal the Council has undertaken checks in accordance with Schedule 1 (Appendix 2) in the BID Regulations (the Business Improvement Districts (England) Regulations 2004) prior to proceeding to ballot. Officers are satisfied that all the required information under schedule 1 has been submitted to Pendle Borough Council. In particular, the BID proposal does not conflict with any existing Council or other public authority policy. Also the BID proposal does not impose a disproportionate burden on particular businesses by way of an unfair levy charge on a certain class of levy payers, for example by an inappropriate manipulation of the BID boundary.
5. It is a requirement under Schedule 1, paragraph 1(1) (b) to the BID Regulations that the BID proposals include a statement of the existing baseline services provided by the local authority or any other public authority in the proposed BID area. The statement will form part of the BID proposals which demonstrate to businesses voting for the BID that the proposed BID services are additional to the baseline services provided by the public authorities. The Statement of existing baseline services provided in Colne has been provided following the receipt of the intention to ballot (Appendix 3)
6. The Council has received a notice in writing requesting the Council to instruct its Returning Officer to hold a BID ballot in relation to the BID proposals and that finances are available to cover the cost of the ballot in the event it fails and the number of persons voting in favour is less than 20% of the number of persons entitled to vote
7. Notice of Ballot to be sent to the Secretary of State at least 42 days before the date of the ballot by the Ballot Holder (the Returning Officer). The proposed date for the ballot is June 28th 2018.
8. In preparation for the ballot Members are asked to agree to instruct the Chief Executive to prepare a document from its business rates records showing the names of each business ratepayer within the boundary of the proposed, together with the address and rateable value of each hereditament occupied, or (if unoccupied) owned; and to supply a copy of this to the BID proposer.

9. It is requested that Members hereby instruct the Returning Officer to hold the BID ballot on 28th June 2018.
10. The Returning Officer is legally responsible for the ballot process as set out within the Regulations. Appendix 4 - Ballot holder (Reg 6).
11. The cost is to be covered the local authority unless the number of persons voting in the ballot who have voted in favour is less than 20 per cent. of the number of persons entitled to vote. In this case costs can be recovered from the BID Proposal body.
12. The table below summaries the key milestones and dates that are required to be completed in order to hold a ballot in June 2018.

Task	Timetable
BID Proposal document prepared	31 January 2018
BID Proposal document agreed/finalised by Colne BID Steering Group	20 th February 2018
12 weeks' Notice of Intention to go to Ballot	February 2018
BID Proposal document approved by Pendle Council Executive	15 th March 2018
Vote YES Campaign and Distribution of Proposal	April 2018
Publication of 42 days Notice of Ballot	May 2018
Ballot Day	28 th June 2018
If favourable, BID start date	1 October 2018

IMPLICATIONS

Policy: There are no policy implications arising directly from the contents of this report. Although a BID will support the Council's strategy of supporting Town Centres.

Financial: The cost of funding a BID co-coordinator (Kolek Consulting) was agreed at a previous meeting of the Executive (16th March 2017). The costs of the ballot are estimated at up to £2,000 if this is administered independently by the Electoral Reform Services. Subject to confirmation this can be contained within approved budgets.

Legal: None as a result of this report

Risk Management: None as a result of this report

Health and Safety: None as a result of this report

Sustainability: The introduction of a BID for Colne, should add to the sustainability and economic viability/success of Colne.

Community Safety: None as a result of this report

Equality and Diversity: All businesses within and surrounding Colne Town centre have been given the opportunity to express their interest in sitting on the Colne BID steering group.

APPENDICES

LIST OF BACKGROUND PAPERS

Appendix 1 – Colne Bid Proposal

Can be found on the Council's website www.pendle.gov.uk and by accessing the following link: <https://www.pendle.gov.uk/meetings/meeting/2453/executive>

Appendix 2 – Schedule 1

Schedule 1

1. (1) Subject to sub-paragraphs (2) and (3), the matters which shall be included in BID proposals are—
 - (a) a statement of the works or services to be provided, the name of who will provide them (the name of the BID body or local authority BID body) and the type of body the provider is (whether a local authority, a company under the control of the authority, a limited company or a partnership);
 - (b) a statement of the existing baseline services (if any) provided by the relevant billing authority or other public authority;
 - (c) a description of the geographical area (including a map showing that area) in which the proposed BID arrangements are to have effect;
 - (d) a statement of whether all non-domestic ratepayers in the geographical area or a specified class of them are to be liable to the BID levy, an explanation of how the amount of the BID levy to be levied is to be calculated and an explanation of whether any of the costs incurred in developing the BID proposals, holding of the ballot or implementing the BID are to be recovered through the BID levy;
 - (e) a statement of the specified class of non-domestic ratepayer (if any) for which and the level at which any relief from the BID levy is to apply;
 - (f) a statement of whether the BID arrangements may be altered without an alteration ballot and, if so, which aspects of the BID arrangements may be altered in this way;
 - (g) a statement of the duration of the BID arrangements; and
 - (h) a statement of the commencement date of the BID arrangements

Appendix 3 – Statement of existing baseline services.

Appendix 4 - Ballot holder (Reg 6)

Ballot holder (Reg 6)

6. (1) The person who holds a BID ballot, renewal ballot, alteration ballot or re-ballot ("the ballot holder") shall be the person the relevant billing authority has appointed under section 35 of the Representation of the People Act 1983(1) as the returning officer for elections to that authority.
- (2) The ballot holder may by writing under his hand appoint one or more persons to discharge all or any of his functions under these Regulations.

Arrangements for holding a ballot and conduct of a ballot (Reg 7)

7. On receipt of an instruction under regulation 5, the ballot holder shall make arrangements for conducting a BID ballot, alteration ballot, renewal ballot or re-ballot, as the case may be, in accordance with Schedule 2.

Persons entitled to vote (Reg 8)

8.—(1) Subject to paragraph (3), a person shall be entitled to vote in a BID ballot, an alteration ballot or a re-ballot in respect of a BID ballot or an alteration ballot if, on the date the ballot holder publishes the notice under paragraph 3(a) of Schedule 2, he falls within the class of non-domestic ratepayers to be liable for the BID levy described in the BID proposals or the alteration proposals, as the case may be.

Schedule 2 8.—(1) Nothing is to be printed on the ballot paper except in accordance with this paragraph.

(2) Each ballot paper may have a number or barcode printed on the back.

(3) The box in which a vote may be marked on the ballot paper shall not be less than 1.5 centimetres square.

(4) All of the words on the ballot paper shall appear in the same size type.

10.—(1) One ballot paper shall be issued in respect of each person entitled to vote in the BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, in respect of each hereditament for which he is entitled to vote.

(2) The address to which the ballot paper is to be sent is—

(a) the address of the hereditament or the principal place of business within England of the person entitled to vote; or

(b) in the case of a proxy, the address shown for the proxy on the list prepared under paragraph 3(b).

(3) At the same time there shall be issued to each person entitled to vote or, if applicable, his proxy—

(a) a statement prepared by the ballot holder providing an explanation of the BID arrangements and the arrangements for the ballot; and

(b) an envelope for the return of the ballot paper (referred to in this Schedule as the “return envelope”).