

CABINET

5.00 P.M.

13TH APRIL 2021

PRESENT:- Councillors Erica Lewis (Chair), Dave Brookes, Gina Dowding, Merv Evans, Kevin Frea, Tim Hamilton-Cox, Janice Hanson, Caroline Jackson, Anne Whitehead and Jason Wood

Officers in attendance:-

Kieran Keane	Chief Executive
Mark Davies	Director for Communities and the Environment
Sarah Davies	Director of Corporate Services
Jason Syers	Director for Economic Growth and Regeneration
Paul Thompson	Chief Financial Officer (Head of Finance & Section 151 Officer)
Luke Gorst	Head of Legal Services and Monitoring Officer
Debbie Chambers	Head of Democratic Services and Deputy Monitoring Officer
Thomas Brown	Economic Development Officer
Liz Bateson	Principal Democratic Support Officer

The Chair requested the observance of a minute's silence in recognition of the passing of the Duke of Edinburgh and on behalf of the residents of the Lancaster district extended condolences to Her Majesty, the Duke of Lancaster and her family.

131 MINUTES

The minutes of the meeting held on Tuesday 23 March 2021 were approved as a correct record.

132 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

The Chair advised that there were no items of urgent business.

133 DECLARATIONS OF INTEREST

No declarations were made at this point.

134 PUBLIC SPEAKING

Following the approval of the Council Business Committee on 25 March 2021 it was noted that the Cabinet Procedure Rules had been revised to permit the Chair, at their discretion, to allow the non-Cabinet Councillors in attendance to ask questions on reports as they were introduced. The Chair welcomed participation from non-Cabinet members.

Members were advised that there had been a request to speak at the meeting from a member of the public in accordance with Cabinet's agreed procedure. Mr John O'Neill had requested to speak in support of the Morecambe BID renewal draft proposal (Minute 135 refers).

With the indulgence of the meeting there was a brief interlude at this point to address the technical issues that prevented Mr O'Neill from being able to participate in the live meeting although it was apparent that he was able to hear the discussions. Mr O'Neill's statement had been circulated to Cabinet prior to the meeting. Councillor Hanson was invited to introduce the report and Mr O'Neill was able to join the meeting via his telephone during that introduction and speak in support of the proposals.

135 MORECAMBE BUSINESS IMPROVEMENT DISTRICT (BID) RENEWAL- DRAFT PROPOSAL

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Director for Economic Growth & Regeneration that provided context and information for the endorsement of proposals for a Morecambe Business Improvement District (BID) Renewal Ballot (closing on 29th July 2021) as required by statutory provisions. The report updated Members on the pre- and post-ballot issues and resource implications in relation to the city council's role in the BID renewal process. As the council was a potential levy payer, Members were asked to decide on council's voting intention in the BID Renewal ballot – yay, nay or abstain.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

Option 1: Do nothing (Put off decision until the production of Final Renewal Proposals)

Advantages: No advantages.

Disadvantages: Creates uncertainty for Morecambe BID. Creates difficulties for Morecambe BID in developing its pre-ballot canvassing strategy and marketing/publishing activities around the BID Renewal Proposals.

Risks: Due to the impact of Covid-19 this Cabinet meeting is the last date proposals can formally be endorsed for July ballot to be comfortably enacted under statutory notifications. If there are issues with Renewal Proposal compliance at this stage a ballot could be delayed with knock on implications for Morecambe BID in terms of canvassing and for the council in terms of dealing with operational matters arising from a late 'Yes' ballot.

Option 2: Endorse the draft BID Renewal Proposals with endorsement of final BID Renewal Proposals delegated to the Chief Executive.

Advantages: Timely notice that the proposals are technically sound, and the final document is likely to be compatible with BID Regulations and council policy. Allows for minor and/or non-material technical amendments via officer scrutiny of final Renewal Proposals document. Allows Morecambe BID to continue to develop its pre-election canvassing strategy and marketing/publishing activities around the BID Renewal Proposals with confidence.

Disadvantages: No disadvantages identified.

Risks: No guarantee that BID Renewal Ballot will be successful.

Option 3: Request material amendments to the draft Renewal Proposal for consideration/ endorsement at a future Cabinet meeting.

Advantages: This would only be if it were considered (based on the draft) that a Final Renewal Proposal would be vetoed because matters contained conflict with council policy and extensive material changes are required. Allows for revised proposals to come forward which are compatible with council policy and regulatory requirements.

Disadvantages: Reputational implications for council if proposals are not endorsed without good reason. Potential delays Morecambe BID's commitment to pre-ballot canvassing strategy and marketing/publishing activities around the BID Renewal Proposals.

Risks: If there are issues with compatibility with the council's policy framework the onus would be on Morecambe BID to address any issues and prepare a technically/policy compatible Final Renewal Proposal. Risks are as Option 1 in that this Cabinet is, realistically, the last date proposals can formally be endorsed by Cabinet for a ballot to be enacted under the current statutory notification timetable.

On submission of a Final Renewal Proposal the local authority is obliged to endorse the BID proposal and approve it to go forward to a ballot if it meets the defined regulatory and policy tests. The draft proposals provide a good indication of whether it is likely the council needs to use its veto powers. The draft proposals do not conflict with any published council policies and a successful BID will continue to actively support the council's corporate priorities particularly in the areas of an Inclusive and Prosperous Local Economy and a Kind and Responsible Council and the cross-cutting themes of Community Wealth Building and Community Engagement. The work of Morecambe BID in canvassing opinion and consultation appear to show a good level of support for the way the BID proposals have been shaped. The amount of prior discussion between the BID proposer and the local authority before submitting the BID draft proposals to the authority has been sufficient and it is expected consultation will continue up to the submission of final proposals. The costs incurred and due in developing BID proposals, canvassing and balloting have been allowed for within the BID's current budget. There are no advantages in holding over on endorsement pending Final Proposals (Option 1) and officers consider there are no material alterations required (Option 3).

The preferred Option is therefore Option 2, to endorse the draft Renewal Proposals. It follows that an appropriate level of delegated authority is required to ensure the outstanding matters are addressed and so that final proposals can be approved to move forward to ballot. As these issues are mainly technical and operational it is recommended this be undertaken through delegated decision by the Chief Executive. Members should note the city council will continue to be liable for the levy on rateable property it occupies/holds should a ballot be successful (refer to Financial Implications). As a potential levy payer, the council is eligible to vote in a ballot. There are no statutory rules on how individual local authorities treat this. The Monitoring Officer advises that authority to vote is a decision for Cabinet. Previously the council has supported the proposal for establishing and renewing BIDs in Lancaster and Morecambe.

Councillor Hanson proposed, seconded by Councillor Hamilton-Cox: -

“That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That the draft Renewal Proposals for Morecambe Business Improvement District (BID) Renewal Ballot be agreed as being in compliance with the statutory requirements and not in conflict with the council's corporate policy framework.
- (2) That approval of Morecambe BID final Renewal Proposals and the issue of an instruction to proceed to ballot is delegated to the Chief Executive.
- (3) That the current Operating Agreement and Baseline Agreement be revised to reflect any changes/amendments required between the parties and current council service provision respectively, with approval and post-ballot sign-off of the final documents delegated to the Chief Executive.
- (4) That Cabinet supports a 'yes' vote in the forthcoming BID renewal ballot.
- (5) That the amount to be charged for administration costs by the council should be based on the same percentage of levy as applies to Lancaster BID.

Officers responsible for effecting the decision:

Chief Executive
Director for Economic Growth & Regeneration

Reasons for making the decision:

In working towards implementation of Business Improvement Districts the council will be achieving and/or reviewing and improving upon several of its Corporate Priorities 2020 Update. An Inclusive and Prosperous Local Economy through the continued support of new and existing enterprises. Kind and Responsible Council through partnership working with local businesses and organisations. The Priorities Update 2020 also contains cross cutting themes and the draft BID Renewal Proposals will actively support Community Wealth Building and Community Engagement.

Chair

(The meeting ended at 5.27 p.m.)

**Any queries regarding these Minutes, please contact
Liz Bateson, Democratic Services - email ebateson@lancaster.gov.uk**

MINUTES PUBLISHED ON FRIDAY 16, APRIL 2021

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
MONDAY, 26 APRIL 2021**