

Business Improvement Districts for Lancaster and Morecambe 26th July 2011

Report of Head of Regeneration & Policy Service

PURPOSE OF REPORT To provide background information on the concept of Business Improvement Districts (BIDs) and update members on work towards the establishment of BIDs in Lancaster and Morecambe.				
Key Decision	X Non-Key D	ecision	Referral from Cabinet Member	
Date Included in Forward Plan July 2011				
This report is public.				

RECOMMENDATIONS OF COUNCILLOR JANICE HANSON

- 1) Members note the preparations for the introduction of Business Improvement Districts (BIDs) in partnership with Lancaster District Chamber and the local trade associations in Morecambe.
- 2) Members support the intention of Lancaster District Chamber to lead on BID Proposal development in Lancaster city centre.
- 3) Members approve the allocation of £40K (subject to carry forward approval) for Lancaster town centre BID development to the Lancaster Chamber via a formal funding agreement administered through the Regeneration & Policy service.
- 4) An appropriate Cabinet member is nominated to sit on the Lancaster BID Steering Group.
- 5) Future decisions in respect of BID Proposal lead, the use of allocated funds and Cabinet nominee to sit on a Steering Group (or similar body) for Morecambe town centre is dealt with via an Individual Cabinet Member Decision.

1.0 Introduction

1.1 At October 2010 Cabinet members approved the allocation of £40K for Business Improvement District (BID) consultancy procurement, and, if appropriate, for

subsequent development work, for Lancaster City Centre under a report on Lancaster Square Routes (minute ref: 51). At the same meeting members approved the allocation of £40K for BID development work for Morecambe under a report on 'A View for Eric', the second Townscape Heritage Initiative for central Morecambe (minute ref: 52).

- 1.2 This report provides background information on the concept of Business Improvement Districts (BIDs), and an update on work towards their establishment in Lancaster and Morecambe under the following headings:
 - Background to the main characteristics of BIDs
 - Progress on BID development in Lancaster and Morecambe
 - An outline of BID essentials, liaison and engagement issues (or BID 'readiness')
 - Potential resource and policy implications for the city council

2.0 Background

- 2.1 BIDs are a flexible funding mechanism used to improve and manage a clearly defined commercial area. They are based on the principle of charging an additional levy on all business rate payers in a defined area following a positive majority vote by those ratepayers. The levy is typically 1% 2% of rateable value. BIDs are time-limited, running for up to 5 years before requiring a renewal vote. Local partnerships are developed to undertake work on:
 - Deciding the BID area and what improvements they want to make
 - How the partnership will manage it and what it will cost
 - How long it will last
- 2.2 At present there are over 70 BIDS in UK bringing an estimated additional £120M into local trading environments. Under voting at least 75% of businesses polled have been in favour. Examples of services or projects funded from UK BID initiatives include:
 - Street/business security
 - Public realm improvements
 - Street, alley, and pavement cleaning and graffiti removal
 - Promotions/ public events/ expanding tourism
 - Marketing
 - Retail retention and recruitment
 - Development of parking facilities, pedestrian shelters, public amenities, fountains, parks, kiosks, lighting, benches, and litter bins.
- 2.3 A BID Proposal (essentially a detailed business plan) is created, and it is the approval of this document that is voted upon (under strictly defined statutory procedure) by those businesses who would have to pay the levy. The BID Proposal development can be led by local businesses, a local authority or any partnership between these key stakeholders. The process of preparing a BID Proposal should clarify:
 - Baseline Agreements: a measure of the existing services provided by the public sector to the BID area. This will help potential levy payers identify "added value" of new services proposed.
 - Benefits: how each major stakeholder would benefit from the proposals

- Delivery: who/what body will administer the BID and implement the projects that businesses are voting for.
- Risk Assessment: the risk and uncertainty in the light of a successful BID vote e.g. allowance for funding shortfalls, bad debts, appeals, and slippage.
- Liability: what levy ratepayers will be required to pay and its calculation.
- Contributions: sources and amounts of any additional funds which might flow into the BID.
- Budget: the way the funds will be spent and what they will be spent on, including the running and administration costs.
- Performance Management: explanation of objectives along with key performance indicators and expected service outcomes
- 2.4 If an occupier/owner is liable for rates on more than one hereditament they are entitled to multiple votes up to the number of individual hereditaments in the BID area. On a successful vote, which must achieve a majority of the voting turnout in terms of number of ratepayers and the proportion of their rateable value, the levy becomes mandatory and is treated as a statutory debt in the same way as the Business Rate. The ballot conditions ensure that the vote is not swayed in favour of either small or large business.
- 2.5 Following a successful vote the BID levy fund and projects defined in the BID Proposal have to be managed and implemented by a defined delivery organisation the "BID body". It is not essential to create a new legal entity to become a BID body. A secured BID levy fund could technically be administered through the council. However, for developing an independent, business-led partnership it is more common for BID body responsibilities to be controlled via existing independent arrangements, for example the local chamber of trade, town centre management vehicle, or a separate bespoke delivery company to be created.
- 2.6 Whoever becomes the BID proposer and BID body, the council will have certain key administrative and financial responsibilities. The council, as billing authority, also has the power to veto a BID Proposal where it conflicts with its locally adopted policy framework. In practical terms the use of a veto will be unlikely as the chances of a BID Proposal, which requires close partnership working with the local authority, conflicting with council policies will be remote.

3.0 BID progress in Lancaster District

- 3.1 BID legislation leaves most structural arrangements to the local authority and local businesses to define. This includes developing the pre and post ballot details of who will 'propose' and later manage the BID, as well as decisions on what projects/proposals are brought forward to meet local needs and aspirations.
- 3.2 Experience from other BID initiatives shows the most important issue is that of defining and clarifying 'additionality'. A vote will fail if the BID Proposal is perceived to replace what is already being delivered or is revealed to be covering for statutory service shortfalls. Best practice also advises that BID Proposal development, final resource ownership and implementation by the BID body are seen as independent, or at least distanced from, the statutory service providers.
- 3.3 The Lancaster District Chamber of Commerce, Trade & Industry (the Lancaster Chamber) has longstanding ambitions for a Lancaster City BID. Officers have

discussed with the Chamber how best to use the resource allocated by the city council for progressing a Lancaster BID development. The options included:

BID resource / lead Option	Advantages	Disadvantages
Option 1: Council uses its own staff resource and	Close control of BID Proposal process and ease of integration with local authority service	Staff resource constrained and lacks practical BID Proposal experience.
allocated funds to lead on and deliver the Lancaster BID	provision.	Would lack credibility with the business community. Would be seen as 'council led' and would be difficult to convince business of the 'additionality' of any plans/service improvements suggested.
Option 2: Council	Close control of BID Proposal process and	Resource constrained.
employs new staff, temporary staff or consultants using allocated resource to lead on and deliver the Lancaster BID.	ease of integration with local authority service provision.	Would Lack credibility with the business community. Would still be seen as 'council led' and difficult to convince business of the 'additionality' of any plans/service improvements suggested.
Option 3: Lead undertaken by a credible	Fully aware of BID issues and a credible lead Ownership by those who may pay the levy	More challenging for services to be integrated with a BID Proposal.
local partner – The Lancaster Chamber	Long term supporter of Lancaster BID.	Chamber lacks own human resource and experience in progressing a BID
Option 4: Lead	Fully aware of BID issues and a credible lead	More challenging for services to be integrated
undertaken by a credible local partner – The Lancaster Chamber – supported closely by North & Western Lancashire Chamber of Commerce	Ownership by those who may pay the levy	with a BID Proposal.
	Long term supporter of Lancaster BID.	
	Experience and additional resource provided by NWLCC who have delivered successful Preston BID.	

- 3.4 Both officers and Lancaster Chamber agreed that Option 4 was the best way forward. It was therefore proposed that the Lancaster Chamber take the lead on BID Proposal development for Lancaster using the £40K allocated resources, being closely supported by North & Western Lancashire Chamber of Commerce (NWLCC). The Preston BID was successfully delivered and managed by NWLCC and generates £430K p.a. for new services from 720 hereditaments.
- 3.5 The Lancaster Chamber has formally written to the council noting its willingness to lead on the Lancaster BID Proposal. Involvement of stakeholders will be via a constituted Steering Group (terms of reference attached in Appendix 1) and Members are invited to nominate an appropriate Portfolio Holder to represent the city council on the Steering Group. This Steering Group will effectively be the Lancaster BID 'proposer'. Members should also note it is intended to make the £40K allocated BID resource available to Lancaster Chamber under a formal funding agreement administered by the Regeneration and Policy Service.
- 3.6 The Lancaster Chamber has prepared a draft timetable for the progression of the Lancaster BID. The proposed ballot date of November 2012 (for BID levy collection beginning in April 2013) may appear some way off, but the timescale is typical and in line with national BIDs best practice recommendations for Business Proposal and ballot/post-ballot governance development.

3.7 The route to progression of the Morecambe BID is becoming clear but a definitive view on the way forward was not available for inclusion in this report. Discussions between Lancaster Chamber/NWLCC and the local Federation of Small Businesses, the Morecambe Chamber of Trade and the Bay Tourism Association are ongoing on how best to move leadership of a BID Proposal forward in this area. The ongoing development of the Morecambe Area Action Plan may also be important in influencing the direction and content of a Morecambe BID Proposal.

4.0 BID "readiness"

- 4.1 For the proposing body to reach a position where its BID Proposal can be presented to the council for formal approval (essential to allow progression to ballot and implementation) a number of steps must be achieved:
 - a) The BID proposer must effectively engage local businesses to promote and achieve a sense of ownership and control over the BID.
 - b) The BID area must be defined with reference to
 - Marketability: will business in the area support a BID?
 - Sustainability: will the BID generate enough income to sustain a viable programme of projects and provide for competent administration by the delivery body/mechanism defined in the proposal?
 - Deliverability: are issues of a practical and realistic nature for a BID to address
 - Impact: on what sectors/activities should the BID focus?
 - c) The proposer must secure accurate, up-to-date information on local businesses and rateable values in the BID area.
 - d) Develop the detailed and comprehensive BID Proposal defining what projects will be implemented, how costs are broken down and covered and who will oversee delivery as the BID body. Part of this process may involve agreeing exemptions and allowances.
 - e) Consider the logistics of BID/ballot and levy collection in partnership with the local authority.
- 4.2 Defining the location over which to promote a BID is key. The unique nature of each BID means the only way to determine this is to spend time in liaison and negotiation with businesses in the area. A BID proposer must be able to demonstrate that levy revenue would provide tangible and measurable improvements in, for example, trading performance and crime levels. Local businesses must also consider it to be empowering them in decisions on the environment where they trade and an enhancement to the services already provided.
- 4.3 Officers have undertaken preliminary work into the potential revenue which could be generated by BIDs in both Lancaster and Morecambe town centres. The table below gives some very rough estimates of the potential income generated if the levy was set at 1%. It must be recognised this is a crude illustration as more accurate figures will depend on the exact percentage levy, the actual geographic boundary of the individual BID, as well as factoring in any exemptions for certain types of business/organisations:

Area	Total Rateable Value for example area	Levy Rate charged (example)	Estimated annual BID revenue for area
Lancaster City Centre	£19.99M	1%	£199,966
Morecambe Town Centre	£8.55M	1%	£85,507

5.0 Likely resource implications for the city council

- 5.1 Enabling and assisting with the BID Proposal and post ballot BID body arrangements will require significant input from the council over and above the cash resources already committed. Members should be aware of the following duties and potential resource issues (further discussed in Legal and Financial Implications sections):
 - a) Holding the ballot: the council is responsible for holding the deciding ballot for a BID. The local authority must also announce the final result.
 - b) Collection of the BID levy: the local authority must collect the levy through the rating system. The NNDR shared services experience of Preston BID will be helpful in avoiding pitfalls and reducing costs. The local authority must ensure that all businesses in the given area pay the levy.
 - c) Administering the BID fund: the city council will be responsible for setting up the ring-fenced BID levy fund. The money will need to be collected, held and transferred over to the BID body under formal agreement ('operating agreement)' between it and the city council.
 - d) Providing and/or updating the following:
 - Review and confirm compatibility with statutory plans, planning guidance, traffic plans, public realm management, community safety issues and the needs of user groups.
 - Baselining of current services to assist additional service development and monitoring effectiveness/audit of any additional service provision funded.
 - Gathering and maintaining accurate information on the rating lists, active businesses and mapping potential BID levy take.
 - e) Supporting the BID body: if the Lancaster/Morecambe BID body is not able (or it is not cost effective) to support a viable independent administration mechanism/team to run BID implementation, council service support may need to be provided.
- 5.2 BID legislation allows for administrative costs to be absorbed in the BID levy. This must be discussed and negotiated with the BID proposer so that any charges are appropriate, commensurate with the task, and clear to those who will vote.
- 5.3 To date BID support work has been undertaken by officers within Regeneration & Policy team with assistance from other departments, particularly Revenues/NNDR team. A Regeneration & Policy officer will continue to lead and be the initial point of contact for BID development with the Lancaster Chamber but cross-departmental

work is needed over the next year which may have resource/business implications. An officer working group has been convened to support BIDs and manage and review implications arising from BID Proposal development and post ballot arrangements in Lancaster and Morecambe. Any major resource implications which cannot be absorbed within existing budgets/resource will be referred to Members.

- 5.4 There is no automatic exemption from the BID levy for local authorities. The city council will be liable for the levy on the rateable property it occupies/holds should a ballot be successful.
- As a potential levy payer the council is also eligible to vote in a ballot. Reviewing nationwide BIDs shows there are no hard and fast rules on how local authorities treat this aspect of the process. It will be up to Members to decide how the council's active participation in the ballot may be viewed in the light of the ongoing consultation and development of the BID proposals. The 'weight' of the council's property holding, both in terms of outright rateable value and number of hereditaments, could be significant in the ballot outcome in both Lancaster and Morecambe. More detail on this and financial aspects of the BIDs will be available when Members consider the detailed BID Proposals.

6.0 Details of consultation

- 6.1 The Lancaster Chamber has undertaken extensive consultation with its members on their potential role in BID development and delivery. They report positive and encouraging feedback and enthusiasm from local businesses keen to get on board.
- 6.2 Through the funding agreement officers will ensure the BID proposer adopts governance arrangements and formal reporting systems that are consistent across BID areas and that there are appropriate mechanisms for consultation/dissemination of information to local stakeholders.

7.0 Options

7.1 Although the report is primarily provided to update Members the following options can be considered:

	Advantages	Disadvantages	Risks
Option 1: Do nothing	No advantages.	Loss of credibility with business community. No contribution to council's Corporate objectives.	Council may be in breach of statutory duties to support BID proposer as defined in BID legislation.
Option 2: Continue with preparations for introduction of	Successful BID should have benefits for the local authority as well as the business community.	No guarantee that BID ballot in Lancaster or Morecambe would ultimately be successful.	Council and officer resources required pre and post ballot
BIDs in partnership with Lancaster Chamber in Lancaster and with the local trade associations in Morecambe	Clear and credible leadership for the business community to identify with. Potential for more effective use of council resources and innovation in town centre service delivery. Should engender a closer relationship	Allocated resource for BID proposer/partnership to move to 'BID readiness' will need to be supplemented by council officer resources. Relatively long lead in period to	which need to be fully defined and understood. Implications for council and other statutory services of committing to

	between business community and statutory service providers. Fosters improved and clearer communication and genuine partnership with business Effective opportunity for local	ensure best possible chance of success.	'baseline' service provision over BID lifetime may reduce flexibility.
	businesses to have a voice on subjects relating to the environment in which they trade.		
Option 3: Explore alternative routes / partnerships for introduction of BIDs in Lancaster and Morecambe	Could have same benefits as Option 2 although development could take longer.	As Option 2 but with the addition that it is difficult to see an alternative partnership/route to BID implementation that has credibility in the business community.	As Option 2 but even more difficult and time consuming to get to ballot stage

8.0 Officer Preferred Option (and comments)

- 8.1 Officers prefer Option 2. There is a clear way forward for Lancaster BID and emerging consensus for progression of the Morecambe BID. The BID officer working group should ensure that any issues arising from BID Proposal development and pre/post ballot resource implications for both Lancaster and Morecambe are addressed in partnership with the BID proposer.
- 8.2 The Lancaster Chamber and NWLCC have confirmed that the resources agreed for the Lancaster BID are sufficient for the purposes of BID Proposal development. This follows the experience of NWLCC in successfully progressing the Preston BID through both proposal and implementation stages. The outcome of a BID ballot cannot be guaranteed but officers believe the relationships being built and the direction emerging gives the best chance of a successful outcome.

9.0 Conclusion

- 9.1 It is accepted by most local authorities active in this field that BIDs create an effective opportunity for local businesses to have a voice and direct impact on subjects relating to the environment and circumstances in which they trade. Development of BIDs has been proven to help build business and encourage local economic growth.
- 9.2 This report has outlined the BID concept and highlighted potential implications for the council moving forward. Lancaster Chamber has been leading on options for taking forward BIDs work which has been ongoing since council resources were allocated in October 2010. Officers have a close working relationship with the staff and Board of Lancaster Chamber and a clear way forward for progressing Lancaster BID has emerged. Members are invited to nominate a cabinet member to represent the city council on the Lancaster BID Steering Group. Work is ongoing on developing a clear way forward for a Morecambe BID with Lancaster Chamber currently in discussion with the leading local trade and tourism associations.

RELATIONSHIP TO POLICY FRAMEWORK

In working towards implementation of Business Improvement Districts the council will be achieving and/or reviewing and improving upon a number of its corporate objectives/outcomes as defined in the Coprorate Plan 2011-14:

Economic regeneration (Visitor Economy)

- Number of visitors to the district is increased and visitor spend maximised
- The profile of the district as a visitor destination is improved
- Retail offer and built environment in Lancaster city centre is improved
- · Economic impact of festivals and events is increased
- The attractiveness, accessibility and enjoyment of the district's parks and open spaces for visitors is improved

Statutory responsibilities

- Streets and public spaces are clean
- Our district is safe
- Our local environment is protected by a reduction in incidents of environmental antisocial behaviour (such as climate change, tipping, littering, fly posting, graffiti and vandalism)

Partnership working and community leadership

- The impact of budget cuts across the district is minimised through joint working between partners to deliver efficiency savings
- Needs and aspirations of local communities are understood
- Local communities are actively working with partners to improve where they live in ways that matter to them
- Our partnerships produce tangible outcomes that benefit our citizens.

The implementation of BIDs is a key priority of the recently approved Lancaster Cultural Heritage Strategy.

CONCLUSION OF IMPACT ASSESSMENT

Diversity: None

Human Rights: It is assumed from nationwide BID activity, and through its continuing use, that activities properly undertaken within the BID legislation are compatible with Human Rights.

Community Safety: Successful BIDs often undertake projects around community safety/business security matters. It is not clear yet whether such activity will form part of Lancaster/Morecambe BIDS but officers involved in community safety matters and the police are likely to be involved in baselining current community safety provision in Lancaster and Morecambe and developing/advising on additional services which could be funded via the BID levy.

Sustainability: None

Personnel: Significant council officer resource will need to be applied during BID Proposal and post ballot stages as outlined in the report

Rural proofing: None

Health and Safety: None

LEGAL IMPLICATIONS

The Business Improvement Districts (England) Regulations 2004 prescribe the basic requirements which must be met in order for a BID to meet its statutory duty. A summary guidance note of the main areas of the legal framework relevant to the council is attached in Appendix 2.

The Regulations require the local authority to undertake a series of formal roles as outlined in the report (levy collection, holding the ballot, provide baseline data, approval of BID proposal). It is likely formal agreements will need to be entered into between the BID delivery body and the council as follows:

- Operating agreement: a formal contract between the BID body and the local authority setting out the various procedures for the collection, payment, monitoring and enforcement of the BID levy
- Baseline agreements: setting out the standard services (those services which are
 undertaken as part of statutory functions and services which are additional to those
 usually provided as part of statutory functions) which the council and other pubic
 service providers will continue to provide within the BID area.
- Complementary services agreement (if applicable): those services provided by the council solely for the improvement or benefit of the BID area, funded using the BID levy or other contributions to the BID body.

A number of tried and tested template agreements are available free of charge from national organisations involved in BID best practice. However, it will require legal and relevant service officer resource to review agreements in detail when particular service implications are understood.

The council will have to carry out a policy compliance check to ensure that BID business plans do not conflict with any policies and to ensure that the BID proposal and process adheres to all of the rules set out in the Regulations. The council, as billing authority, has the power to veto any BID proposal where it might conflict with any locally adopted plans. As noted in the report, in practical terms the use such a veto would be unlikely as the likelihood of a BID being set up which would conflict with the aims and objectives of the council's community strategy will be remote.

Should there be a successful ballot the levy will be a statutory debt subject to the usual principles of rate collection, reminder notices and enforcement action for non-payment. The first point of contact for businesses with billing questions will be the council, rather than the BID delivery body. Experience of BIDs nationally shows the levy is not a major cause of non-payment but enforcement action may still be required in certain cases. Revenues shared service experience of BID collection/enforcement matters will be valuable in this regard. The timetable for reminders and enforcement will follow that of the existing NNDR system.

FINANCIAL IMPLICATIONS

£80K was included in the 2010/11 revenue budget for developing the Lancaster and Morecambe BIDs. This is available to support the process in 2011/12 subject to Member approval of the requested carry forward.

The proposal is that £40K is to be allocated to the Lancaster Chamber of Commerce to get the Lancaster BID to ballot stage. In addition to this, there are a number of costs in relation to BID development that should have no bottom line impact on the Council:

1. Administrative costs of identifying BID boundaries and producing a listing of all those rateable properties within the relevant boundaries; this is judged to be absorbable

within current budgets.

- Updating the NNDR system to support the collection of BID levies; this is estimated at a £15K cost following a successful ballot and so would need to be included in the capital programme in 2012/13. The intention would however be that this was funded from the subsequent levy. There would also be an ongoing revenue cost of £2K, again funded from the levy.
- 3. Potential costs of supporting the BID operationally post ballot; it is anticipated that whoever managed the post ballot operational side of the BID (e.g. the council or the Lancaster Chamber) would take an administrative fee from the levy.

As to the cost of any cash flow support (e.g. front loading contributions to the eventual delivery organisation, as is done with Parish precepts), this would have to be reviewed in the light the Council's treasury position at the time. Using the projected sums involved (£200K annual levy for Lancaster) at the projected bank rate, this would represent a cost of around £2K per annum in lost interest to the Council, if it was not recovered from the levy.

The main bottom line impact in cash terms will be additional cost to the council for the levy on its properties for which it holds rates liabilities within the BID areas. An indicative estimate is £12K for Lancaster and £3K for Morecambe although this is subject to change depending on BID areas and the status of the rates liability. This will have to be included in the revenue budget from 2013/14 onwards.

It will also be important for Council officers to monitor any time spent on supporting the BID process so that the full value of this contribution in kind from the City Council is clear to Members.

Plans for the Morecambe BID are at a less advanced stage; there are no current plans to allocate the £40K of revenue already in the budgets for this purpose. Officers will need to monitor this to ensure that any budgets are realistic and do not overstate the likely spend for a given financial year.

OTHER RESOURCE IMPLICATIONS

Human Resources:

Internal council human resources will be utilised to deliver BID support as outlined in the report.

Information Services:

Following a successful ballot updates to the billing software used by the council to generate and administer rates bills will be required. The implications are outlined in the report and costs will need to be reimbursed through the BID levy. There will be additional resource costs in the form of IS staff time, to work with Capita on the implementation of the software and a period of testing prior to the first year's billing for the BID.

Property:

The city council will be liable for the BID levy on rateable property which it occupies/holds should a ballot be successful. The BID area may encompass city council property leased to commercial tenants. Some of these will pay increased business rates as a result of a successful BID. The improvement to the environment of the area should be a benefit to these businesses and therefore the increase in rates payable should not have a detrimental

affect on the rental income to the council. A successful BID may also improve the take up of the council's empty commercial property, reducing its general business rate liabilities.

Open Spaces:

The BID area may encompass areas defined as 'open space'. The potential improvement to the environment of any open space included in a BID should be a benefit to the community and businesses.

SECTION 151 OFFICER'S COMMENTS

Linked to the Localism Bill, Members may be aware that the Government is undertaking a Local Government Resource Review and as a result, changes to the existing National Non-Domestic Rating system are expected to be implemented - possibly as early as 2013. It is fully expected that BIDS will continue to operate as part of the new arrangements, but future national developments will be kept under review as any local BID proposals develop.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Local authority Guide to BIDS published by Association of London Government

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Ref:

Appendix 1

Lancaster BID Steering Group Terms of Reference

Appendix 2

Summary guidance on The Business Improvement Districts (England) Regulations 2004