

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4202

Author:

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Department:

Development and Growth

Contact:

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Subject:

Nottingham Business Improvement District (BID) Renewal (April 2021 - December 2025)

Total Value:

Nil (Type: Nil)

Decision Being Taken:

1. To note the consideration of the Nottingham Business Improvement District (BID) renewal proposals and business plan by Nottingham City Council.
2. To provide confirmation by the Corporate Director of Development and Growth, in consultation with the Portfolio Holder for Finance, Growth and the City Centre, that the BID renewal proposals comply with the legislative requirements and do not conflict with the Council's adopted policy.
3. To note both the content of the draft Operating Agreement under which the Council will collect levies due on behalf of the Nottingham BID, and that this document will be presented to the Corporate Director of Development and Growth for signature when finalised.
4. To note that the Portfolio Holder for Finance, Growth and the City Centre exercised the proxy vote on behalf of the Council in the BID Ballot.

Reasons for the Decision(s)

- 1. It is a requirement of the BID Regulations 2004 that the billing authority consider the renewal BID proposals and confirm both that: (a) they are compliant in terms of the information and documentation supplied; and (b) that they are not likely to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority and further that they are not likely to have a significantly disproportionate financial burden on any person or class of persons (as compared to other non-domestic ratepayers in the geographical area of the BID). The BID renewal proposals were considered against the criterion and were confirmed as compliant.**
- 2. Upon receipt of compliant BID proposals, the Council's Returning Officer was required to make arrangements to hold a BID Ballot or appoint agents to discharge this duty on his behalf.**
- 3. The Council is required to manage the collection and enforcement of the BID levy. This requirement is commonly delivered in the manner agreed between the Council and the BID proposer under an Operating Agreement. It is recognised best practice under the Department for Communities and Local Government guidance that an Operating Agreement with the Council be put in place to agree the terms of reference, means of enforcement and the practicalities for the collection of the BID levy before going to ballot. This draft will be finalised in liaison with the BID Company and put in place in time for the implementation of the renewal proposals in April 2021.**
- 4. The Council has hereditaments within the proposed BID area that will be subject to the BID levy. Therefore, the Council appointed the Portfolio Holder for Finance, Growth and the City Centre, who voted on behalf of the Council in respect of these hereditaments.**

Briefing notes documents:

Briefing note FINAL.docx

Other Options Considered:

Not to consider the BID proposals: this was not an option as the billing authority is legally required under the BID Regulations 2004 to give formal consideration to the proposals once formally submitted. The Nottingham BID also offers significant opportunity for inclusive business involvement and full engagement for the Council at both strategic and operational (project and service delivery) levels. Risks posed to the Council once the BID company is established are minimal, as demonstrated during the past five years. The risk of the BID not being renewed is that the city centre will lose around £850,000 of potential additional income which would be spent on marketing and operational projects to make the city centre a great place to shop, visit, live and do business.

Background Papers:

- 1. Nottingham BID Company Renewal Proposals - can be viewed here <https://www.nottinghambid.com/ballot-2021/>**
- 2. Street List for proposed BID boundary**
- 3. Extension to BID Area**
- 4. Proposed BID Boundary to be used for levy collection**

Unpublished background papers:

copy-of-street-list-280820-002.pdf, Extended BID Area.docx, Proposed BID Boundary Levy Collection.pdf

Published Works:

Nottingham Business Improvement District (BID) Renewal - report to full Council on 9 March 2020
(<https://committee.nottinghamcity.gov.uk/ieListDocuments.aspx?CId=155&MId=7956&Ver=4>)

Affected Wards:

Citywide

Colleague / Councillor Interests:

None

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

The Nottingham BID currently funds projects to support the night-time economy, in consultation with the Council, the Police and the Crime and Disorder Partnership, such as street pastors and the digital radio scheme to help combat crime against businesses. The BID has also maintained the city centre's Purple Flag status for a decade, an important hallmark in showcasing Nottingham is a safe place for a night out. This supports the Council to deliver its duty under Section 17 of the Crime and Disorder Act to prevent crime and disorder.

Equality:

2021.03.09 - EIA BID Renewal 2021 FINAL.docx

Decision Type:

Officer

Executive Decision?

No

Scheme of Delegation Reference Number or Other Source of Delegation:

Delegation to the Corporate Director in consultation with the Portfolio Holder as per decision of full Council on 9 March 2020 (Minute 82)

Advice Sought:

Legal, Finance, Equality and Diversity

Legal Advice:

Legal Services have provided advice at the key stages involved in relation to the proposals for the latest Nottingham Business Improvement District (BID) covering the period 2021 - 2026. This decision records the actions taken by the relevant Corporate Director in accordance with the delegation granted to him by Full Council. The decision further provides confirmation that the BID Proposals were examined for compliance against the BID Regulations 2004, tracks the instruction to the Ballot Holder to put the BID proposals to Ballot, confirms that the relevant Portfolio Holder exercised a proxy vote on behalf of the Council in relation to those hereditaments that fell within the proposed area and also records the fact that the Corporate Director will shortly enter into an Operating Agreement with the BID Company to ensure effective arrangements are put in place for the collection and recovery of the Levy.

The decision-taker is not being asked to approve the BID proposals, it was for the BID electorate to vote on the proposals and determine whether the BID Company should deliver them over the next five years. The Council's Returning Officer instructed Civica Electoral Services, an external company to administer the ballot as agent on his behalf, and in accordance with the BID Regulations.

Advice provided by Connie Green (Solicitor) on 29/03/2021.

Finance Advice:

The Council currently charges the Nottingham Business Improvement District (BID) £27,500 for Bid Levy Management. The costs of administration, collection and recovery on the new BID levy can be contained within this amount and is therefore not a pressure to the Council. The Council is liable for business rates that fall within the defined geographical area and business sectors identified within the BID proposals. The current liability across the Council is £52,875 for April 2021 - December 2021 and £72,615 for full year January 2022 - December 2022. There is no budget provision for this and previously this has expected to be managed within departments.

It is anticipated that the overall business rates budget will accommodate this additional liability from the BID, however, this can not be confirmed until budget realignment for this expenditure has been undertaken, aligned to the business rate liabilities for 2021/22 and concluded during early 2021/22.

The risk of the levy, up to December 2021, not being able to be accommodated within the allocated business rates budget is low, however, any shortfall will require the Development and Growth directorate to manage through one off spending reviews. Consideration for January 2022 onwards would require Corporate Leadership Team agreement. Actions required will be confirmed by the end of June 2021.

Advice provided by Susan Tytherleigh (Senior Finance Manager) on 26/03/2021.

Equality and Diversity Advice:

There are no impacts to any of the protected characteristics, so the decision is supported.

Advice provided by Rosie Donovan (Equality and Employability Consultant) on 19/03/2021.

Signatures:

Chris Henning (Corporate Director of Development and Growth)

SIGNED and Dated: 30/04/2021