



18th September 2012

COLERAINE BOROUGH COUNCIL

Roger Wilson

Town Clerk & Chief Executive

Response on the Business Improvement Districts Bill

To whom it may concern,

Thank you for inviting and providing Coleraine Borough Council with the opportunity to respond to the consultation on the proposed "Business Improvement District Bill".

The Council have responded to each of the suggested Clauses as requested. These are attached for your consideration. Although Coleraine Borough Council are largely in support of the concept of Business Improvement Districts and the valuable role which they can play in the urban regeneration of our towns in the Borough there are some finer details and implications for the Council which are not clear from the proposed Bill and associated documentation provided.

There are a number of powers which the Bill will bestow to Councils, such as:

- allowing Councils to define the Bid area either independently or in partnership with other Councils;
- Require the Council to set up a BID Revenue Account to hold the funds raised through the BID;
- Manage the official Ballot process;
- Determine the eligible area and conditions for approval as well as veto bids

Council welcome the opportunity to work in partnership with the Department of Social Development (DSD) to assist in the role out of the Bill. However, the Council are mindful that the powers outlined above may have resource, legal and governance implications for the Council. The Council would urge the DSD to engage with the Council in order to gain a greater understanding on the specific anticipated impacts which the recommended powers will have.

We look forward to hearing from you.

Yours sincerely

Roger Wilson
Town Clerk & Chief Executive

Att.

Comments on Business Improvement District Bill as introduced in the Northern Ireland Assembly 25 June 2012 and Explanatory and Financial Memorandum

Coleraine Borough Council welcomes the opportunity to respond to the Business Improvement District Bill as presented to the NI Assembly on 25 June 2012 and would comment as follows:

Clause 1. Arrangement with respect to BID

The Council agree with the recommendations however the Council would state that we should not determine the make up of the BID area this needs to be carried out following consultation with all stakeholders.

Clause 2. Joint Arrangements

The Council agree with the joint arrangements. The flexibility in approach will facilitate the new RPA areas as RPA is planned to be introduced during a BID period (which is normally for 5 years).

Clause 3. Additional contributions and action

3. (2) (b) It would be essential to clarify if any other person encompass other statutory agencies in relation to projects identified within a BID area.

Clause 4 Duty to comply with arrangements

Council agree - No comment

Clause 5 BID proposals

It is recommended that consultation will be needed on the regulations and details to be drawn up by DSD identified in 5. (2) (a-f)

Clause 6 Entitlement to vote in ballot

It is not clear from the proposed Bill who is ultimately responsible for providing the eligible voting list – whether this will be the responsibility of Council or Land Property Services? It should also be noted that this list should be fluid and those who were eligible to vote may not be involved for the full length of the BID. The initial consultation discussed the rights of landlords to vote who are not necessarily the rate payer. It is not clear from the consultation exactly where responsibility now lies.

Clause 7 Approval in Ballot

Council agree - No comment

Clause 8 Approval in Ballot – alternative conditions

Council agrees that 25% should be the minimum for both values. This statement means that any alterations can be upwards only.

Clause 9 Power of Veto

Council agrees that a veto should be in place but would suggest that the conditions for the veto should be drawn up by DSD. These conditions should include a reasonable timeframe to allow for an appeal prior to the vote date. Also the regulations should state who within the district council can initiate the veto, for example the Chief Executive.

Clause 10 Appeal against veto

Council agree – no comment

Clause 11 Commencement of BID arrangements

11. (2) Council would query the need for penalties to be invoked if a commencement of a Bid were to be delayed, for example if collection arrangements were not in place.

Clause 12 Imposition and amount of BID levy

The set up of a BID can take on average 18mths of preparation work to achieve vote status. The provisions that will be made by DSD need to take account of this and clarification will be necessary on how these costs are recovered either from within the levy collected or an outside body – this would have implications for district councils if the cost was to be recouped via council budgets. The Council would not be able to recoup this cost within current administration arrangements. If recovery is to be directed via the bid levy then a phased approach would be advantageous so that it will have minimum impact on project funding.

Clause 13 Liability and accounting for BID levy

Council would query how the provision for non payment of levy would be dealt with, for example, who will administer it, what are the legal implications for non payment etc.

Clause 14 BID revenue account

Council would query what will the cost implications be for councils to introduce this new procedure? Will this be accommodated in the cost recovery for the preparation of the BID proposal? Clear guidance on the administration, liability and governance arrangements, would need to be provided by DSD before the Council could accept the proposed operational outworkings of the BIDS bill.

Clause 15 Administration of BID levy etc.

Council have no comment

Clause 16 Duration of BID arrangements

It is highlighted that provision on who can terminate a BID will be made by the Department. This is being suggested in the Bill however consultation is required and needed with Councils as to the procedure involved as this will have a cost implication and liability implications for the Council. Until these are provided to the Council for comment the Council cannot accept the recommendations with the Bill

Clause 17 Regulations about Ballots

The Council has no comment at the moment

Clause 18 Power to make further provision

The Council has no comment at the moment

Clause 19 Further provision as to regulations

The Council has no comment at the moment

Clause 20 -22

The Council has no comment at the moment

Other comments:**Financial effects of the Bill**

17. no comment
18. The Council would query what happens if the BID area does include government departments or other public bodies, Churches etc will the levy still apply? This would be prevalent within Coleraine where the BID area which was looked at under the scoping study did include buildings such as County Hall, Police station, schools, churches, tax office etc

General

The Council would query that the legislation mentions a BID proposer – will there be criteria applied as to who can be the BID proposer. There would need to be more clarity on this issue included within the Bill.

Extensive consultation on the provisions to be determined by the Department has been identified. The Council would query what the time frame is and who will have a chance to input into this process?