

OPERATING AGREEMENT

between

BIRMINGHAM CITY COUNCIL

and

RETAIL BIRMINGHAM LIMITED

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Dated the day of 201X

Between

- (1) **BIRMINGHAM CITY COUNCIL** ("**the Council**") of The Council House, Victoria Square, Birmingham, B1 1BB; and
- (2) **RETAIL BIRMINGHAM LIMITED** ("**the BID Company**") registered as a private company limited by guarantee in England with company number 06181225 whose registered office is Suite 103, Cheltenham House, Temple Street, Birmingham B2 5BG

(together a "**party or parties**")

Background

- A The Council is the billing authority for the purposes of the Local Government Act 2003 and is responsible for collecting the BID Levy and administering the BID Revenue Account which shall be used towards the operation of the BID within the area of the Council and the funding of the BID3 Arrangements.
- B The BID Company operated the BID during the BID1 and BID2 Periods and following a renewal ballot of qualifying businesses within the BID3 Area, the BID Company is to continue to operate the BID during the BID3 Term ("BID3").
- C With effect from 1 April 2017, the BID Company became responsible for the operation of the BID and for using the BID Levy for the purposes of achieving the objectives and aspirations set out in the BID3 Arrangements.
- D Both parties wish to confirm the arrangements by which the BID Levy is collected together with general arrangements as to the relationship to be established between the Council and the BID Company for the duration of BID3.
- E The purpose of this Agreement is to:
 - establish the procedure for setting the BID Levy.
 - confirm the basis upon which the Council will be responsible for collecting the BID Levy.
 - set out the enforcement mechanisms available for collection of the BID Levy.
 - set out the procedures for accounting and transference of the BID Levy.
 - provide for the monitoring and review of the collection of the BID Levy.
 - confirm the manner in which the Council's expenses incurred in collecting the BID Levy shall be accounted for.

- provide for the monitoring and review of the spending of the BID Levy by the BID Company and its internal control arrangements.

It is agreed as follows:

1 Definitions

“**Bad or Doubtful Debts**” shall have the same meaning as further described in **Part 2 of Schedule 3** of the Regulations;

the “**Balancing Payment**” means the difference between the sum of the First and Second Advance Payments and the actual total sum of the BID Levy collected by the Council for the relevant Financial Year as ascertained by Council and notified to the BID Company within three (3) calendar months after the end of the financial year in question. If the aggregate of the two former payments exceed the latter, it is negative, if the aggregate of the former payments is less than the latter, it is positive;

“**BID**” means the Retail Birmingham Business Improvement District project, by which the BID Company will deliver the BID3 Proposals;

the “**BID1 Period**” means the duration of the previous operating agreement being the period from the 1st April 2007 to the 31 March 2012;

the “**BID2 Period**” means the duration of the previous operating agreement being the period from the 1st April 2012 to the 31 March 2017;

the “**BID3 Area**” is identified on the map in **Schedule 2**;

the “**BID3 Arrangements**” means those arrangements to be put in place pursuant to the Regulations for the operation of the BID;

the “**BID Company's Report**” means a report for each Financial Year to be prepared by the BID Company which details the following:

- (i) the total income and expenditure of the BID Levy;
- (ii) other income and expenditure of the BID Company not being the BID Levy;
- (iii) a statement of actual and pending deficits; and
- (iv) the various initiatives and schemes upon which the BID Levy has been expended by the BID Company analysed in line with the agreed BID3 Proposals;

the “**BID Internal Control Arrangements**” means the arrangements put into place by the BID Company under **Clause 3.2** as revised from time to time under **Clause 3.2** following an independent review;

the “**BID Levy**” means the charge to be levied and collected within the BID3 Area pursuant to the Regulations;

“**BID Levy Payer(s)**” means the non-domestic rate payers responsible for paying the BID Levy;

the “**BID Levy Rules**” means the rules set out in **Schedule 1** of this Agreement which sets out how the BID Levy will be calculated, details of Exempt Properties and other requirements related to the BID Levy (as may be amended by a successful alteration ballot);

the “**BID3 Proposals**” means the BID Company’s BID proposals set out in **Schedule 3** to this Agreement.

the “**BID3 Revenue Account**” means the account to be set up in accordance with Regulation 14 and operated in accordance with Schedule 3 of the Regulations;

the “**BID3 Term**” means the period commencing on the Operational Date and expiring on 31 March 2022;

“**CLA**” means the Commission for Local Administration;

“**Confidential Information**” means:

- All information relating to this Agreement which includes, but is not limited to, commercial, financial, technical, operational or other information in whatsoever form (including information disclosed orally) which concerns the business and affairs of a party including information disclosed prior to the date of this Agreement, where one party can demonstrate to the other party that disclosure would cause considerable harm;
- All information reasonably designated as such by either party in writing together with all other information which relates to the business, affairs, products, developments, trade secrets, know-how, personnel, customers and suppliers of either party being information where one party can demonstrate to the other party that disclosure would cause considerable harm;
- Any information which is agreed by the parties at the Execution Date or any time prior to publication of this Agreement or any part of it under the Freedom of Information Act 2000 or any other legislation as being commercially sensitive;

“**Confidentiality Expiry Date**” means the date one (1) year following the expiry of the BID3 Term;

the “**Contributors**” means the BID Levy Payers or other contributors making voluntary contributions to the BID company;

“**Demand Notice**” shall have the same meaning ascribed to it as further set out in paragraph 3 of Schedule 4 of the Regulations;

“Dispute Resolution Procedures” means the procedures set out in **Clause 16**;

“DPA” means the Data Protection Act 1998;

“EEA State” means a state which is a contracting party to an agreement on the European Economic Area pursuant to Section 70 DPA;

“Execution Date” means the date of the execution of this Agreement by the parties;

the **“Exempt Properties”** means those class or classes of properties as identified in the BID3 Levy Rules which shall be exempt from any requirement to pay the BID Levy;

“Final Notice” means the notice to be served by the Council pursuant to **Clause 7.1**;

the **“Financial Year”** means the period of twelve (12) consecutive months from 1st April to the following 31st March;

the **“First Advance Payment”** means the sum calculated by multiplying the total BID Levy due from each BID Levy Payer in accordance with the BID3 Levy Rules, on 1st April for the Financial Year, by 78.4%;

“FOIA Scheme” means the Council’s current published scheme under Section 19 of the Freedom of Information Act 2000;

“Hereditament” shall have the same meaning as defined in Regulation 1 (2);

“Legislation” means any Act of Parliament or subordinate legislation within the meaning of Section 21 (1) of the Interpretation Act 1978, any exercise of the Royal Prerogative, and any enforceable community right within the meaning of Section 2 of the European Communities Act 1972, in each case in the United Kingdom;

“Liability Order” has the meaning given in Regulation 10 of the 1989 Regulations;

the **“Operational Date”** means 1 April 2017 being the date upon which the BID3 Arrangements come into force;

“Personal Data” is defined by DPA;

“Public Meeting” means the meeting to be held of all BID Levy Payers pursuant to Regulation 18(1)(a)(ii);

the **“Regulations”** means the Business Improvement Districts (England) Regulations 2004 SI 2004 No. 2443 and such amendments made from time to time by the Secretary of State pursuant to Section 48 Local Government Act 2003;

“Relevant Authority” means any court with the relevant jurisdiction and any local, national or supra-national agency, inspectorate, minister, ministry, official

or public or statutory person of the government of the United Kingdom or of the European Union;

“Second Advance Payment” means the sum calculated by multiplying the total BID Levy due from each BID Levy Payer in accordance with the BID Levy Rules by 95%, in each case less the amount of the First Advance Payment for such Financial Year;

“Working Day” means a day (other than a Saturday or a Sunday) on which banks are open for domestic business in the city of London;

the **“1989 Regulations”** means the Non Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 SI 1989 No 1058.

2 Statutory Authority and Interpretation

2.1 This Agreement is made pursuant to Part 4 of the Local Government Act 2003 and the Regulations.

2.2 This Agreement shall be interpreted according to the following provisions, unless the context requires a different meaning:

2.2.1 words importing persons shall, where the context so requires or admits, include individuals, firms, partnerships, trusts, corporations, governments, governmental bodies, authorities, agencies, unincorporated bodies of persons or associations and any organisations having legal capacity;

2.2.2 references to any statutes and statutory instruments are to be construed as references to those statutes and statutory instruments as from time to time amended or to any statutes and statutory from time to time replacing, extending, consolidating or amending the same.

3 Calculating the BID Levy and BID Internal Control Arrangements

3.1 No later than fourteen (14) days prior to 1st April in each Financial Year, the Council shall:-

3.1.1 Calculate the BID Levy due from each BID Levy Payer in accordance with the BID3 Levy Rules; and

3.1.2 Confirm in writing to the BID Company the BID Levy payable annually by each BID Levy Payer.

3.2 The BID Company shall, within twenty (20) Working Days of the 1st April in each Financial Year, supply the Council with a copy of its BID Internal Control Arrangements which are designed to ensure that the BID Levy as passed by the Council to the BID Company under **Clause 8** is spent effectively, efficiently and economically in accordance with the BID3 Proposals PROVIDED THAT:-

- 3.2.1 The BID Company shall arrange for an independent review of the BID Internal Control Arrangements every 18 months, the first review to be undertaken no later than 31st December 2018 and the final review to be undertaken no later than 1st January 2021.
- 3.2.2 The BID Company shall provide the Council with a copy of the related report and findings of the independent review and its proposals and timescales to implement any recommended action as detailed in the report and findings within one (1) month of the publication of the report and the findings.
- 3.2.3 The BID Company shall within one (1) month of supply to the Council of the information under **Clause 3.2.2**, confirm in writing to the Council any revision to the BID Internal Control Arrangements and any other action taken in accordance with its proposals as disclosed under **Clause 3.2.2**.
- 3.2.4 If the BID Company shall fail to comply with its obligations under **Clause 3.2.1** the Council may employ an independent person to carry out the review under **Clause 3.2.1** and deduct all costs reasonably incurred in so doing from any payment due to the BID Company under **Clause 8**.

4 The BID3 Revenue Account

- 4.1 The Council shall set up the BID3 Revenue Account and confirm in writing to the BID Company that the BID3 Revenue Account has been set up.
- 4.2 The BID Company shall provide the Council with details of its own bank account into which payments are to be made by the Council under **Clause 8**.

5 Debits from the BID3 Revenue Account

- 5.1 The Council shall not seek reimbursement from the BID Company of any of the costs of collecting the BID Levy and agrees that it shall only debit:
- 5.1.1 Sums equal to the First Advance Payment, the Second Advance Payment and the Balancing Payment under **Clause 8**; and
- 5.1.2 Bad or Doubtful Debts;

from the BID3 Revenue Account and if to the extent the Council is required by the Regulations to debit any further sums from the BID3 Revenue Account it shall immediately credit an equal sum to the BID3 Revenue Account.

6 Collecting the BID Levy

- 6.1 The Council shall serve a Demand Notice on each BID Levy Payer and shall continue to calculate the BID Levy and serve a Demand Notice in each Financial Year of the BID3 Term.

- 6.2 The Council shall maintain an accurate and up to date list which identifies payment and/or non payment of the BID Levy and shall make this available to the BID Company no later than the 5th Working Day of each month during each Financial Year.
- 6.3 If the BID Company determines that there has been a change which may affect the amount of the BID Levy for the current or a future financial year or is aware of any change in the occupier of a hereditament or the merger or division of a hereditament (or provision of an additional hereditament) the BID Company shall inform the Council in writing accordingly. In accordance with Council procedures any appropriate changes will then be made to the BID Company's account by the Council.
- 6.4 The Council shall use all reasonable endeavours, which are consistent with its usual procedures for the collection of non-domestic rates, to collect the BID Levy on the date specified (pursuant to **Clause 6.1**) and thereafter on an annual basis and in accordance with the procedure set out in Schedule 4 of the Regulations.

7 Enforcement of payment of the BID Levy

- 7.1 In the event that the BID Levy is not paid by a BID Levy Payer within fourteen (14) days from the date that it becomes payable then (subject to the exceptions or as may otherwise be agreed between the parties) the Council shall serve a Final Notice on such relevant BID Levy Payer which shall:-
- 7.1.1 identify the sum payable;
 - 7.1.2 provide a further seven (7) days for payment to be made;
 - 7.1.3 confirm that the Council will apply to the Magistrates' Court for a Liability Order to recover the unpaid BID Levy (together with costs).
- 7.2 If after a further seven (7) days from the payment date stated in the Final Notice the outstanding amount of the BID Levy has not been paid by the BID Levy Payer, the Council shall make an application to the Magistrates' Court for a Liability Order to recover the outstanding sum of the BID Levy as is permitted by the Regulations and the 1989 Regulations.
- 7.3 If payment is not made after a minimum of twenty-one (21) days following the grant of a Liability Order then the case will be passed to the Council's appointed debt recovery agents for recovery of the debt.

8 Payment to the BID Company and Reconciliation

- 8.1 No later than 10 (ten) Working Days following the Execution Date or Operational Start Date (whichever is the later), the Council shall pay the BID Company the First Advance Payment. In the following Financial Years the Council shall pay the BID Company the First Advance Payment on 1st April in each of those Financial Years.

- 8.2 No later than 10 (ten) Working Days after the sixth month following the Execution Date or Operational Start Date (whichever is the later) the Council shall pay the BID Company the Second Advance Payment. In the following Financial Years the Council shall pay the BID Company the Second Advance Payment on 1st October of such Financial Years.
- 8.3 Except in the first year, no later than 25 July after the end of each Financial Year, the Balancing Payment shall be payable. If it is negative, it shall be payable to the Council by the BID Company, and, if it is positive, it is payable by the Council to the BID Company.

9 Performance Monitoring

- 9.1 On 30th June in each Financial Year, the Council shall provide the BID Company with an accurate and up to date report setting out in respect of the previous Financial Year the following information:-
- 9.1.1 the amount of BID Levy for each individual BID Levy Payer;
 - 9.1.2 the BID Levy collected in relation to each BID Levy Payer;
 - 9.1.3 details (together with the outstanding unpaid sum) of those BID Levy Payers who have not paid the BID Levy in full;

Additional Information

- 9.2 On 31st July in each Financial Year, the BID Company shall provide the Council with an accurate and up to date report containing the following details for the previous Financial Year:
- 9.2.1 the total amount of income received from the Contributors (excluding the BID Levy);
 - 9.2.2 the total expenditure incurred and committed;
 - 9.2.3 The total expenditure by the BID Company on each head of expenditure and services in the BID3 Proposals;
- 9.3 The Parties shall review the operation of this Agreement and shall meet within six (6) weeks of the issue of the Council's report under **Clause 9.1** and the BID Company's report under **Clause 9.2** in order to:
- 9.3.1 review the effectiveness of the collection and enforcement of the BID Levy;
 - 9.3.2 if required, review and assess the information provided by the Council and the BID Company pursuant to **Clauses 9.1** and **9.2**;
 - 9.3.3 make any recommendations for implementation as may be agreed (and which are permitted by the Regulations and this Agreement);

- 9.3.4 consider whether any changes are required to this Agreement as a result of the review and any guidance issued by the Department for Communities and Local Government.

10 **Termination**

- 10.1 The Council may not terminate the BID3 Arrangements under Regulation 18(1)(a) of the Regulations unless it shall have first served written notice on the BID Company and, in addition to holding a Public Meeting, shall have met with the BID Company as soon as is reasonably practicable to discuss and review the following:

- 10.1.1 the basis of the Council's view that the BID Company has insufficient finances to meet its liabilities for the relevant period;
- 10.1.2 the amount of its funds; and
- 10.1.3 alternative means by which the deficit can be remedied, and shall have allowed the BID Company a reasonable timescale within which to specify a financial solution that is acceptable to the Council.

- 10.2 The Council may not terminate the BID3 Arrangements under Regulation 18(1)(b) of the Regulations unless it shall have first served written notice on the BID Company setting out its intention to do so and shall have met with the BID Company as soon as is reasonably practicable to discuss and review the following:

- 10.2.1 the services or works which the Council is no longer able to provide together with confirmation and details as to why such works or services cannot be provided;
- 10.2.2 whether such works or services are of material importance to the BID so that termination of the BID3 Arrangements is the only option;
- 10.2.3 alternative means of procuring the said services or works by third parties or increased financial funding from the BID Company; and
- 10.2.4 alternative replacement services or works which will be acceptable to the BID Company;

and shall have afforded the BID Company a reasonable timescale within which to specify a practical solution that is acceptable to the Council.

- 10.3 If the BID Company shall fail to attend a meeting at a time specified by the Council on a Working Day following the giving of five (5) Working Days' notice then the Council shall have discharged its obligations under **Clause 10.1 or 10.2** as appropriate to meet with the BID Company.
- 10.4 In the event that the Council is not satisfied with the solutions offered by the BID Company under **Clauses 10.1 or 10.2** as appropriate or if no solution is offered, and subject to consideration of representations made by any BID Levy Payer at the Public Meeting then the Council shall be permitted to terminate the BID3

Arrangements provided that notice by the Council to terminate the BID shall be provided to the BID Company no less than twenty eight (28) days prior to termination taking place.

- 10.5 Upon termination of the BID3 Arrangements the Council shall ascertain whether there is a credit in the BID3 Revenue Account and in the event that there are sufficient funds in the BID3 Revenue Account amounting to a refund of at least £5 for each BID Levy Payer (having already deducted a reasonable sum for the administration of such refund) then the Council shall:

- 10.5.1 calculate the amount to be refunded to each BID Levy Payer;
- 10.5.2 ensure that the amount to be refunded is calculated by reference to the amount payable by each BID Levy Payer for the last chargeable period; and
- 10.5.3 make arrangements for the amount calculated to be credited against any outstanding liabilities of each BID Levy Payer or, where there are no such liabilities, refunded to the BID Levy Payer.

- 10.6 Upon termination of the BID the Council shall notify the BID Levy Payers of such termination in accordance with Regulation 18(6) of the Regulations together with confirmation as to whether any part of the BID Levy is to be repaid to BID Levy payers in accordance with **Clause 10.5**.

- 10.7 The BID Company shall not terminate the BID3 Arrangements if:

- 10.7.1 the works or services under the BID3 Arrangements are no longer required; or
- 10.7.2 the BID Company is unable, due to any cause beyond its control to provide works and services which are necessary for the BID to continue;

unless and until it shall have first served a written notice on the Council setting out its intention to do so and setting out full particulars as to how such decision has been reached and allowed the Council at least twenty eight (28) days to submit written representations for consideration by the BID Company and thereafter carried out a proper consultation with all relevant representatives, including representatives of the business community of the BID3 Area as considered appropriate by the Council.

- 10.8 Upon termination of the BID3 Arrangements the BID Company shall notify the Council of such termination in accordance with Regulation 18(5) and the Council shall notify the BID Levy Payers pursuant to Regulation 18(6) together with confirmation as to whether any part of the BID Levy is to be repaid to BID Levy Payers in accordance with **Clause 10.5**.

11. **Confidentiality**

11.1 The parties shall not disclose any Confidential Information and shall use all reasonable endeavours to prevent their employees and agents from making any disclosure to any person of any Confidential Information.

11.2 **Clause 11** shall not apply to:

11.2.1 any disclosure of Confidential Information that is reasonably required by persons engaged in the performance of its obligations under the Agreement;

11.2.2 any Confidential Information which a party can demonstrate is already generally available and in the public domain otherwise than as a result of a breach of this **Clause 11**;

11.2.3 any disclosure to enable a determination to be made under the Dispute Resolution Procedures;

11.2.4 any disclosure which is required by any Legislation (including any order of a court of competent jurisdiction), any Parliamentary obligation or the rules of any stock exchange or governmental or regulatory authority having the force of law;

11.2.5 any disclosure of Confidential Information which is already lawfully in the possession of the receiving party, prior to its disclosure by the disclosing party;

11.2.6 any disclosure of Confidential Information by the Council to any other Relevant Authority;

11.2.7 any disclosure for the purpose of the examination and certification of a party's accounts;

11.2.8 any examination pursuant to the Audit Commission Act 1998 of the economy, efficiency and effectiveness with which the Council has used its resources;

11.2.9 disclosure to a party's professional advisers;

11.2.10 disclosure to the Council's members;

11.2.11 any disclosure required or permitted by the Freedom of Information Act 2000 or in compliance with the FOIA Scheme;

11.2.12 any disclosure made by a party following the prior written consent of the party owning the Confidential Information;

11.2.13 any disclosure made by a party where it has requested the owning party to consent to such disclosure and the owning party has either: -

- 11.2.13.1 failed to respond within 10 Working Days of the issue of such request;
 - 11.2.13.2 refused such request and has failed to set out its reasons for such refusal; or
 - 11.2.13.3 unreasonably refused to grant such consent or has granted it on terms or subject to conditions which are unreasonable;
- 11.2.14 any disclosure made following the Confidentiality Expiry Date.
- 11.3 Where disclosure is permitted under **Clause 11.2**, other than **Clauses 11.2.4, 11.2.7, 11.2.8 and 11.2.12**, the recipient of the information shall be made subject to the same obligation of confidentiality as that contained in this Agreement.
- 11.4 For the purposes of the Audit Commission Act 1998 the District Auditor may examine such documents as he may reasonably require which are owned, held or otherwise within the control of the BID Company and may require the BID Company to produce such oral or written explanation as he considers necessary.
- 11.5 CLA may investigate complaints of injustice in consequence of maladministration against the Council under the Local Government Act 1974 which can include complaints relating to the BID3 Arrangements. If such a complaint is made the BID Company shall:
 - 11.5.1 fully and promptly answer whether oral or written communications from the CLA and shall send the Council a copy of any communication to the CLA at the same time as it is sent to the CLA;
 - 11.5.2 co-operate fully and courteously in any investigation by the CLA;
 - 11.5.3 fully and promptly respond to any communication from the Council concerning the complaint so that the Council may answer any issue raised by the CLA directly with the Council;
 - 11.5.4 Pay to the Council any compensation paid as a result of a finding of maladministration if and to the extent that maladministration was caused to by any act or omission of the BID Company subject to a maximum of two thousand pounds.
- 11.6 In relation to all Personal Data, the BID Company shall at all times comply with the DPA as a data controller if necessary, including maintaining a valid and up to date registration or notification under the DPA covering the data processing to be performed in connection with the BID3 Arrangements.
 - 11.6.1 The BID Company shall only undertake processing of Personal Data reasonably required in connection with the BID3 Arrangements and shall not transfer any Personal Data to any country or territory which is not an EEA state.

11.6.2 The BID Company shall not disclose Personal Data to any third parties other than:

11.6.2.1 to employees to whom such disclosure is reasonably necessary in order for the BID Company to carry out the BID3 Arrangements

11.6.2.2 to the extent required under a court order,

provided that disclosure under **Clause 11.6.2.1** is made subject to written terms substantially the same as, and no less stringent than, the terms contained in this **Clause 11.6** and that the BID Company shall give notice in writing to the Council of any disclosure of Personal Data it is required to make under **Clause 11.6.2.2** immediately it is aware of such a requirement.

11.6.3 The BID Company shall bring into effect and maintain all technical and organisational measures to prevent unauthorised or unlawful processing of Personal Data and accidental loss or destruction of, or damage to, Personal Data including but not limited to take reasonable steps to ensure the reliability of staff having access to the Personal Data and the Council may be entitled to obtain from the BID Company, at reasonable intervals (but not more than once in any Financial Year), a written description of such technical and organisational methods.

11.6.4 In order to comply with the Data Protection Act 1998, the parties shall enter into a Data Sharing Agreement within one (1) month of the execution of this Agreement. The manner in which the data is to be shared and the main responsibilities of each party will be addressed in the Data Sharing Agreement.

12. **Notices**

12.1 Any notice shall be sufficiently served if served personally on the addressee, or if sent by prepaid first class or recorded delivery post, or facsimile transmission, or by e-mail to the correct address set out in **Clause 12.2**.

12.2 The Council's and the BID Company's addresses are as set out in the Address Table below:-

ADDRESS TABLE			
	POSTAL ADDRESS	FACSIMILE TRANSMISSION No.	E-MAIL ADDRESS
Council	Birmingham City Council, Economy Directorate, Customer Services Division, Revenues Department, P.O. Box 5, Birmingham B4 7AB	0121 303 1338	revenuesclientteam@birmingham.gov.uk
BID Company	Retail Birmingham Limited Suite 103, Cheltenham House, Temple Street, Birmingham B2 5BG	-	contact@retailbirmingham.co.uk steve.hewlett@retailbirmingham.co.uk

- 12.3 The Council and the BID Company may by notice to the other party change its address for service as indicated in **Clause 12.2** or in any previous notice issued under **Clause 12.3** take effect no earlier than seven (7) days from the service of such notice.
- 12.4 Any notice served in accordance with **Clause 12** shall be presumed to have been received at the time stated in the Service Table: -

SERVICE TABLE			
	METHOD OF SERVICE	TIME OF RECEIPT	ADDITIONAL FORMALITIES REQUIRED
1.	Personal Service	Time of service	None
2.	Facsimile Transmission or e-mail	If transmission is completed during Office Hours - on that Working Day If transmission is completed outside Office Hours – on the next Working Day	Notice to be sent immediately by pre-paid post to the addressee
3.	First Class or Recorded Delivery Post	On the second Working Day after the date of posting	None

13 **Miscellaneous**

- 13.1 For the avoidance of doubt where any part of this Agreement is incompatible with the Regulations or any other regulations which the Secretary of State may issue pursuant to Part IV of the Local Government Act 2003 then the parties shall endeavour to agree an amendment to the Agreement and if they fail to reach agreement, either party may institute the Dispute Regulations Procedures.
- 13.2 The headings appearing in this Agreement are for ease of reference only and shall not affect the construction of this Agreement.
- 13.3 References to the Council include its successors to its functions as a billing authority.
- 13.4 A reference to any Act of Parliament or to any Order, Regulation, Statutory Instrument, or the like shall include a reference to any amendment or re-enactment of the same.
- 13.5 This Agreement constitutes the entire agreement and understanding of the parties as to the subject of this Agreement and, save as may be expressly referred to or referenced in this Agreement supersedes all prior representations, writings, negotiations or understandings with respect to this Agreement except in respect of any fraudulent misrepresentation made either by the Council or the BID Company.

14 **Rights and Duties Reserved**

For the avoidance of doubt it is hereby agreed and declared that nothing in this Agreement, express or implied, shall prejudice or affect the Council's rights, powers, duties and obligations in the exercise of its functions as a local authority and the rights, powers, duties and obligations of the Council under all public and private statutes, bye-laws, orders, regulations and statutory instruments may be fully and effectively exercised in relation to the subject matter of this Agreement and any consent, approval, licence or permissions required under this Agreement unless stated otherwise shall be in addition to, and not in substitution for, any consent, approval, licence or permissions required to be obtained under any statute, bye-laws or other Legislation.

15 **Contracts (Rights Of Third Parties) Act 1999**

The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement. Therefore a person who is not a party to this Agreement shall not be able to enforce any of its terms against either the Council or the BID Company.

16 **Dispute Resolution**

The following provisions shall apply in the event of a dispute:

16.1 **Resolution by Senior Officers**

Any dispute or difference of any kind whatsoever arising between the parties out of or in connection with this Agreement shall first be discussed by the Chairman of the BID Company and the Council's Strategic Director - Place (or their respective nominated representatives).

16.2 **Mediation**

If the parties are unable to resolve the dispute under **Clause 16.1** they may decide to refer the dispute to mediation on the terms of the latest model mediation procedure produced by the Centre for Effective Dispute Resolution, subject to the proviso that any such mediation shall be completed within four (4) weeks of referral (or such longer period as the parties may agree).

16.3 **Arbitration**

Save where the parties have agreed in writing that a decision under **Clause 16.1** or an agreement reached at or during mediation under **Clause 16.2** as appropriate, is to be final and binding, either party may refer the dispute to arbitration before a single arbitrator as follows:

16.3.1 If the parties shall fail to agree upon an arbitrator within twenty eight (28) days of one party serving upon the other a written notice to concur in the appointment of an arbitrator, then the arbitrator shall be appointed by the President or the Vice President of the Chartered Institute of Arbitrators.

16.3.2 The Arbitration Act 1996 shall apply to such arbitration.

16.3.3 The arbitrator shall have power to open up, review and revise any certificate, opinion or decision of the Council.

16.3.4 The parties hereby agree and consent pursuant to Sections 45(2)(a) and 69(2)(a) of the Arbitration Act 1996 that either party;

16.3.4.1 may appeal to the High Court on any question of law arising out of an award made in an arbitration under this Agreement;

16.3.4.2 may apply to the High Court to determine any question of law arising in the course of the reference;

and the parties agree that the High Court should have jurisdiction to determine any such question of law.

16.3.5 **Subject to Clause 16.3.4**, the award of the arbitrator shall be final and binding on the parties.

- 16.3.6 The parties agree that the maximum recoverable costs which may be awarded to the successful party in the arbitration shall not exceed one half of the sum claimed by the Claimant in the arbitration (“**the Claim Sum**”). The Claim Sum is the aggregate of the total damages specified in the Claimant’s Points of Claim or Statement of Case, and the total interest so specified (excluding in both cases any sums which are not quantified) notwithstanding any subsequent amendment of the same.
- 16.3.7 The parties agree pursuant to Sections 61 and 62 of the Arbitration Act 1996 that, if the total sum (including interest) awarded to the Claimant in the arbitration (less any sum (including interest) awarded to the Respondent in a counterclaim in the arbitration) does not exceed 20% of the Claim Sum as defined by **Clause 16** then the arbitrator in determining how costs are to be allocated shall not (if he is minded to make an award in the Claimant’s favour) award the Claimant more than the lesser of: -
- 16.3.7.1 50% of the maximum recoverable costs as defined and limited by reference to **Clause 16.3.6**.
- 16.3.7.2 50% of the Claimant’s recoverable costs.

Schedule 1 – The BID3 Levy Rules

1.0 General

The Local Government Act 2003 enables the local authority to issue a demand for a BID Levy. The BID Levy is collected by the Council and held in a separate account for the exclusive use of the BID. The liable person to pay the BID Levy is the ratepayer liable for non-domestic rates in respect of the Hereditament.

2.0 Non-Domestic Rate Payers

2.1 The BID Levy will be applied to all eligible non-domestic ratepayers with Hereditaments in the BID Area who are identified in the 2017 valuation list issued by the Valuation Officer Agency with a rateable value of £10,000 or more. Business premises with rateable values below £10,000 will be exempt from the BID Levy.

2.2 The eligible non-domestic ratepayers are those who significantly trade or interface with customers (retail) within the BID area eg shops, restaurants, cafes, banks, building societies, travel/recruitment/estate agents and betting shops. Those businesses that do not rely on visits by members of the public for their business are exempt from the BID Levy.

2.3 Notwithstanding 2.2 above, the non-domestic ratepayers within shopping centres in the BID area are exempt from the BID Levy and will not therefore be entitled to vote in the BID ballot. Shopping Centres will provide funding to the BID through Voluntary Contributions.

3.0 Chargeable Period

The chargeable period will be the BID Term namely a period of five years from 1 April 2017 to 31 March 2022.

4.0 Percentage Levy

4.1 A 1% BID Levy will be applied to rateable values listed in the 2017 Local Non-domestic Rating List as at 1 April 2017.

4.2 There will be no relief for vacant, untenanted premises. Where at the time of ballot, there is no current occupational lease, the liability will fall to the property owner until a new lease is confirmed. The owner will be entitled to vote in the ballot.

4.3 The BID Levy will be discounted for charitable organisations at the same level as their mandatory rate relief.

4.4 There will be no VAT charged on the BID Levy.

5.0 Administration and Collection

The Council will be responsible for the imposition, administration, collection and recovery of the BID Levy.

6.0 **Annual Adjustment**

- 6.1 The BID Levy will increase at the commencement of 1st April each Financial Year starting on 1st April 2018 based on the annual inflationary factor for local non - domestic rate bills as calculated by the Government. The Council shall provide the BID Company with a statement as to the change no later than 1st February in each financial year.
- 6.2 Changes to rateable values in updates of the Local Non-domestic Rating List 2017 will be reflected in a corresponding change to the BID Levy payment for the following financial year.

7.0 **Removal of Hereditament**

If a Hereditament is removed from the Valuation Office rating list for the financial year period, the BID Levy will be calculated by the Council on the basis of a daily BID Levy liability up to the date the Hereditament was removed.

8.0 **New Hereditaments**

- 8.1 If there are any new Hereditaments in the BID Area raised following the Operational Date the occupiers will be liable to pay a BID Levy based on the new rateable value applying to such Hereditaments. Where a new assessment is brought into the rating list, the BID Levy will apply from the effective date as shown in the rating list.
- 8.2 New Hereditaments which are identified in the Financial Year listed in the New Hereditaments Table will have a BID Levy based on the Rating Value Date applicable to such Financial Year in the New Hereditaments Table based on the 2017 rating value list.

New Hereditaments Table	
Financial Year	Rating Value Date
01.04.2017 to 31.03.2018	01.04.2017
01.04.2018 to 31.03.2019	31.03.2018
01.04.2019 to 31.03.2020	31.03.2019
01.04.2020 to 31.03.2021	31.03.2020
01.04.2021 to 31.03.2022	31.03.2021

9.0 **Merging or Splitting of a Hereditament**

Where a Hereditament is split or merged, the BID Levy shall be made on the revised entries. If the Hereditament is split or merged under the 2017 Valuation List those rateable values will be used in the calculation.

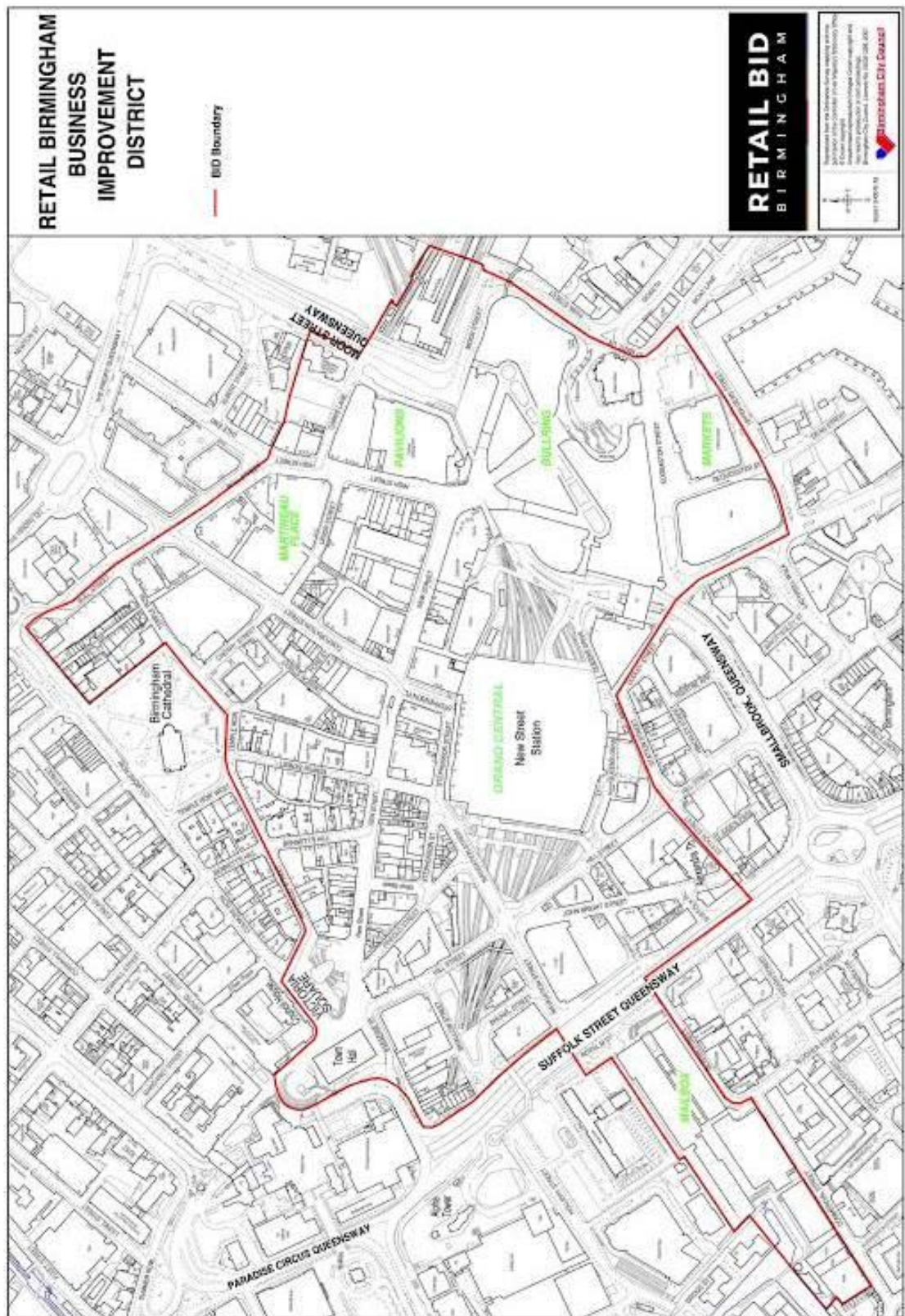
10.0 **Payment Date**

The BID Levy is a daily charge based on rateable value. It is to be paid in full in advance, the payment date being 1 April in all financial years or within 14 days of a demand notice being served whichever is the later. For the purposes of the BID Arrangements, a financial year is a period 365 days (366 in a leap year) - 1 April to 31 March inclusive. Adjustments will be made for changes in occupation and revised bills issued. The BID Levy for each individual ratepayer is to be calculated by multiplying its rateable value by the relevant percentage in Paragraph 4 and apportioned dependent on the days liable.

11.0 **Recovery**

The non-payment of the BID Levy will be effectively pursued by the Council using all practical available enforcement options. This will include: the preparation, issuing and serving of summonses; the use of bailiffs; committal action and insolvency proceedings. All of these actions may incur additional costs for which the BID Levy Payer will be liable.

Schedule 2 – BID3 Area



Schedule 3 – Retail Birmingham Limited – BID3 Proposals

Retail Birmingham BID Business Plan for a Third Term (2017-2022)

Promoting and supporting businesses in Birmingham City Centre

Retail BID's Third Term At A Glance

Retail BID's third term will be one of **influence and support**, running for five years from 2017 to 2022.

We will develop the **Birmingham City Centre Experience** to support our world-class retail offer, creating new opportunities for leisure, evening economy and cultural businesses to thrive.

We will make it easier for people to **discover** opportunities through strong **promotion of businesses and experiences** in Birmingham city centre, online, in print and on street.

We will support and encourage creative, engaging **events**, and continue to **promote** the BID area, generating footfall.

We will work in partnership with Birmingham City Council and other service providers on the **maintenance and management** of the city centre, and **monitor** the delivery of support and enforcement services.

We will continue to give members a **voice** on the management and maintenance of the city centre, and provide one-to-one **personal support** to Retail BID members.

We will lead the **reimagination** of New Street and further public realm improvements across the Retail BID area.

We will think and act beyond our boundary, working to support Birmingham city centre as a destination, and sustain and grow the already substantial employment base.

We will work closely with Birmingham City Council, Highways England and transport providers to ensure Birmingham remains open for business.

Jonathan Cheetham, Chair of Retail BID and General Manager, Grand Central

I am proud to be Chair of Retail BID. Since 2007, our two terms have seen investment of over £5M in services such as major events, TV, radio, print and online promotional campaigns, security and street improvements. We have successfully worked on behalf of business at the heart of Birmingham city centre for a decade. Our third term will generate a further £2.5M to be invested directly into the BID area to support members.

As Retail BID ask you, its members, to follow us into a third term, we are optimistic about the future. Birmingham is a powerful national anchor destination with a broad range of

services and opportunities. There is continued investment in the city centre from both public and private funds, and the Retail BID area retains a healthy balance of large-scale retailing, hospitality and unique small and independent businesses.

Thanks to the diversity and appeal of experiences on offer, the ease of getting to, from and around the area, and Retail BID's promotional work Birmingham city centre is a successful, vibrant destination. The BID has been at the forefront of supporting our members through a challenging period against a backdrop of public sector financial uncertainty and major public realm development. Following the 2016 EU referendum, there is a growing sense of economic and community concern. In our proposed third term, we will continue to bring businesses together to work for the common good of their trading environment, speaking with one voice, and providing stability to Birmingham city centre retail, hospitality and service businesses.

Retail BID will not replace council services - we believe Business Improvement Districts are about additional services and support, and we will continue to follow this mantra. However, the need for the Retail BID as a strong voice to protect and influence the management of the city centre is stronger than ever.

Our proposal for the next five years follows three themes. The first focuses on **The Birmingham Welcome**, ensuring the city centre is an attractive, safe and well-managed place for businesses and visitors.

The second builds on **The Birmingham Experience**, encouraging visitors, shoppers and families to stay in the BID area longer and encouraging linked trips, as well as projects such as reimagining New Street as a world class retail street, creating a digital city centre that engages with visitors and customers online, in print and on street, and continuing our promotional and event work.

The final theme is **Business Support and Growth**, and expands on our work helping businesses by representing, engaging and networking on behalf of our members for their benefit, and supporting the 24,000 jobs sustained in the BID area. Birmingham is well known as the UK capital of BIDs, and Retail BID will be the first in the city to enter a third term if the Ballot is successful. It is vital that we continue to work together with stakeholders and other BIDs to create a stronger city centre experience.

However, we must not become complacent. The local authority has to find a further £250M in savings from services affected across Birmingham, which includes street cleaning, festive lighting and events in the city centre. Simply put, without Retail BID, the level of business support, coordination and promotional activity will be negatively impacted, and members will feel this loss at street level.

It remains vitally important for businesses to **VOTE YES** for a third term to ensure Retail BID can continue to support members, and influence the development of a world-class city centre experience for businesses, shoppers and visitors.

The Major Centre View

Michaela Moore, Bullring, General Manager

“With the ongoing contraction of local authority budgets and consolidation of resources I believe it is vital that we continue to have a focused, proactive, locally based team to promote and protect the interests of retailers and their customers in Birmingham city centre. We have a great city centre for shopping with five of the best department stores in the UK, three unique shopping centres and 140 independent retailers, and Retail BID ensure all these groups work together for the benefit of the city centre and each other. The BID is an essential resource.”

The Independent View

David Johnson, Rex Johnson & Sons, Owner

“Without the Retail BID, we wouldn’t be here. Retail BID’s support during a turbulent five years has been really important. Finally, Corporation Street is returning to what it once was – a high-profile Birmingham shopping street - people walking down Corporation Street and across to Grand Central are proper shoppers. The BID team are always there for me to address local issues, and finding almost £1M in financial support for small businesses during the building works was incredible.”

The Major Store View

Paul Denning, M&S, Store Manager

“As part of the Retail BID I am really excited about the next five years, I believe the BID is a real opportunity to improve and enhance the city centre experience for all our visitors and is an integral part in driving footfall into our city centre. The work the BID team continue to do has seen some significant improvements across our city centre. I hope to be part of this over the coming years and see the fruits of their hard work.”

The Property View

Richard Norgrove, Hortons’ Estates, Property Director

“I have been part of Retail BID since 2007, and I am delighted to see the BID’s continued evolution in supporting our leisure, hospitality and professional service members. It is these businesses that add depth to the city centre, encouraging visitors to stay longer, and the growth in bars and restaurants continues to be a key focus for Retail BID.”

The Local Authority View

Councillor John Clancy, Leader, Birmingham City Council

“I welcome the news that the Retail BID is balloting members for a third term. The BID has played a crucial role supporting its businesses through a period of great change in

the city centre and has become the 'go to' partner of the City Council on all aspects relating to the retail area. There is much more to do, so I wholeheartedly wish the BID a successful renewal ballot in the autumn."

The Accommodation & Leisure View

Derek McDonagh, Macdonald Burlington Hotel, Managing Director - Midlands

"I think Birmingham as a visitor destination has really improved over the past ten years. There has been a tremendous growth in our vibrant dining and evening culture, and this is translating into more overnight stays and linked trips. Retail BID's work to develop the 'Birmingham brand', run and support a broad range of events, and engage with business and conference visitors ensures footfall and demand remains high and helps my business."

Birmingham: International, Independent, and Inspiring

Birmingham has transformed in recent years. Hundreds of millions of pounds have been invested in New Street Station, Grand Central and the Midland Metro. Further work is underway on Paradise Circus and planned developments in Digbeth, Smithfield and HS2 at Curzon Street. Outside the city centre, major companies continue to invest in Birmingham including Jaguar Land Rover, HSBC and Amazon, and the city saw the highest number of start-up businesses in the UK outside of London during 2015. All this led to Birmingham being named a key inward investment destination in reports by PwC, Urban Land Institute and Site Selection magazine.

In 2015, Birmingham welcomed 61.2M visitors, generating £8.1B for the local economy. This has been facilitated by stronger transport links such as the runway extension at Birmingham airport that handled a record 10M visitors in 2015. Closer to home, almost one third of Birmingham's resident population is under 20 years old, making it the youngest population of any major European city. It is also ranked by the Mercer Quality of Life index as the best UK city to live in besides from London, which explains why Birmingham is also the urban destination of choice for people relocating from London.

Since 2007, Retail BID has been at the heart of Birmingham's story, representing its broad range of members. The Business Plan for a third term reflects Retail BID's belief that, together, Birmingham city centre can be greater than the sum of its parts and continue its upward trajectory as a great place to visit, live and do business.

What Will Retail BID do for...

Independent & Small Businesses

Independent and unique businesses add personality and points of difference to the Birmingham Experience. Our members ensure there is a diversity of retail, food, drink and leisure opportunities in the city centre, and that a local sense of place shines through. They are the hidden gems that Retail BID continually works hard to showcase, and our promotional, event and campaign work will continue to help people discover

Birmingham's booming independent scene and give our members multiple platforms to shine.

Being a Retail BID member offers:

- Distinct promotional campaigns to highlight the range and quality of speciality independent businesses – both collectively and individually
- A strong, better connected business community voice representing your views alongside those of the major retailers and shopping centres
- A specific Independent and Small Business marketing group to ensure Retail BID campaigns and events continue to be of benefit
- An influential business voice speaking up for you on strategic issues
- A better-quality, more prestigious and vibrant environment for your business and staff
- The opportunity to participate in new events and marketing material to raise the profile of your business, such as 'Found' and 'Celebration of Independents'
- Remain up to date with emerging and urgent issues in Birmingham city centre

Phil Hazel, Liquor Store, Owner

"I will be voting 'Yes' to renew Retail BID for another five years. Why? Because it supports my business, it's as simple as that. Their promotional campaigns and events make all of us independent and smaller businesses stronger, and gives us a platform to work alongside the major brands and shopping centres. The team has been great to work with, and I look forward to benefiting from being a BID member in the future."

What Will Retail BID do for...

National Names

Major brands and our three shopping centres are Birmingham's flagship destinations, bringing in visitors from beyond our local audience. Outside of London, Birmingham city centre is the only place to have the 'Big Five' department stores (Debenhams, Harvey Nichols, House of Fraser, John Lewis, Selfridges) within a five-minute walk of each other, and their combined PR and marketing value in attracting people to the city centre is essential.

Being a Retail BID member offers:

- Being part of a long-standing network of major retailers, all working together to attract and retain high-value shopping footfall

- The opportunity to meet professional colleagues through a General Manager working group, share topics of interest and discuss what our customers are saying about Birmingham
- Coordinated action to tackle business crime working with West Midlands Police
- To have influence on creating a better-quality, more prestigious and vibrant environment for your business and staff
- Access to key town centre performance information, such as footfall data, sales performance, car park occupancy and vacant unit trends
- The ability to collaborate over seasonal marketing campaigns and broader promotional activity for Birmingham city centre
- An influential business voice speaking up for you on strategic issues
- Remain up to date with emerging and urgent issues in Birmingham city centre

Parminder Sahota, House of Fraser, Store Manager

“The Retail BID continues to make a significant difference in the city centre, and I am very much looking forward to being involved and supporting the next five years of further business improvement.”

What Will Retail BID do for...

Hospitality, Food & Drink

Birmingham city centre is building on the existing retail offer and expanding the leisure, food, drink and hospitality opportunities. The growth in bars and eateries on New Street, John Bright Street, Temple Street, Waterloo Street and Bennetts Hill, as well as the already successful Bullring and Mailbox offers, are examples where the Retail BID area is diversifying into a broader, ‘18 hour’ destination, and Retail BID’s third term will continue to support this growing sector.

- Encouraging more linked trips, where customers shop, eat and stay for longer
- Distinct promotional campaigns to highlight the range of food, drink and leisure opportunities within the BID area
- The opportunity to participate in new events and feature in marketing material to raise the profile of your business, such as ‘Found’, the Shopping Map and other seasonal guides
- A better-quality, safer and vibrant environment for your business and staff both during the day and into the evening

- A strong, community voice representing your views and the hospitality, food and drink sector alongside retailers
- An influential business voice speaking up for you on strategic issues

Matt Scriven, Bitters'n'Twisted Venues, Managing Director

"We are proudly independent and this is our 10th year in business in Birmingham. Over that time our organisation has seen many changes but we fundamentally want to create interesting venues with great drinks, music and service. The food and drink scene in the city centre continues to develop with the BID's help, and we're delighted to be part of this story."

What Will Retail BID do for...

Banking, Professional & Service Businesses

The Retail BID area, with an average footfall of 83M each year, is home to a growing range of banks and service businesses that attract people into the city centre; a favourite hairdresser or meeting a bank manager are equal reasons to visit alongside the retail and hospitality offer. Over 50,000 people work in the city centre every day, and Retail BID's third term will continue to connect members with this large target market during their lunch breaks, and journey to and from work.

- Additional networking meetings and events aimed specifically at professional businesses within the city centre
- A better-quality, more prestigious and vibrant environment for your business, clients and staff
- Safer streets, and well managed day and evening location
- An influential business voice speaking up for you on strategic issues
- Greater co-ordination and interaction with local and regional bodies, such as the Local Enterprise Partnership

Beth Freeman, Williams & Glyn, Branch Manager

"I'm delighted to head up the BID's new Banking Working Group. We are clearly competitors but we're all part of the city centre, and this group gives us all the opportunity to get involved in local projects to support our community, talk about common issues such as fraud, and share best practice."

Retail BID's Story

Steve Hewlett, Retail BID Manager

I have been Retail BID Manager since 2009, and through previous roles with Birmingham City Centre Partnership have been involved with the BID's work since it began in 2007. The small, dedicated team has achieved an incredible amount since the BID began working for its members. During our first term (2007-2012) we delivered major promotional campaigns and events, including Style in the City, Style Birmingham Live, Celebration of Independents and the city's first Shopping Map and consumer website as well as providing specific support to independent and specialist businesses. The Retail BID influenced the current development of the city centre with the Retail Birmingham Design Strategy, as part of the city council's Big City Plan, and improved the street environment with additional cleaning, floral and festive features and security schemes.

Our second term (2012-2017) focused on ensuring the city centre remained functional and 'open for business' during a four-year period of unprecedented street, building and transport infrastructure improvement works, representing nearly £1B worth of investment in our city. Promotion, marketing and events still played a core role in the BID's deliverables through the development of the 'Shopping In Birmingham' brand and digital channels, alongside supporting businesses and actively campaigning and advocating for financial support and keeping the city centre an appealing place to visit and a viable location to run a business, no matter what the size. We have continued to deep cleanse the retail streets on a regular basis, funded floral features and additional Christmas lighting and have seen a 71% reduction in on-street charity collectors. The work with partners to address the issues of begging, rough sleeping, street drinking and anti-social behaviour remained a core priority and will continue to do so as we progress into the BID's third term. Communication is also key to the successful operation of a city centre and the Retail BID text message system has proved invaluable by providing regular, important information to over 250 General Managers and business owners, alongside the work of the Retail Crime Operation and Facewatch.

Our proposals for a third term (2017-2022) continue to build on our achievements to date. We are determined to maintain an attractive, clean and safe city centre, working with key partners and adding extra value.

We will actively promote the city centre as the number one destination for shopping within the region, together with raising the profile of members through our Shopping In Birmingham digital channels and Retail BID Edit Magazine, Found Guide and the City Centre Shopping Map. We will fully support and promote all sectors within our BID area including major stores, centres, independents, bars, restaurants, hotels and service providers.

Over the next five years we will promote the 'Birmingham Experience' encouraging people to enjoy everything the city centre has to offer and increase customer dwell times. We'll develop, lead and be a key partner on major events which help to attract

visitors and increase business, such as the Birmingham Weekender and The Big Sleuth, with the aim to attract match-funding and sponsorship to further enhance events.

The city centre will benefit from further improvements during the next five year term of the BID. This will include significant transport upgrades and development, bringing with it an increase in customers and city centre workers. With the UK's plan to leave the European Union in the next two years, it becomes more important than ever for the business community to vote 'Yes' for a third BID term, and to stay stronger and connected in the future, with a real voice in the city centre.

We are a hard-working, committed team with a track record of delivering for members in the city centre and look forward to continuing our role of supporting you during the next BID term.

Assia Sohaib, Retail BID Deputy Manager

I have been with Retail BID since its inception in 2007 and have extensive knowledge and experience of city centre issues. I work closely with our members providing support and assistance where needed, particularly the independent businesses we have in the city centre. I also manage marketing, communications and events, including all major campaigns such as Shop the City, Found, our Christmas campaigns and the Retail Awards. Working with partner employment and skills organisations, we are also trying to improve the quality and availability of skilled retail staff in the city centre.

Paul Barnett, Retail BID Business Support Officer

I joined Retail BID in 2015, having previously been a Manager in the Birmingham City Centre Street Warden Team. I have considerable experience in dealing with all city centre matters and street operations on a daily basis, including retail crime, Facewatch, begging, homelessness, street drinking and anti-social behaviour. I also manage additional street cleansing and provide individual support to members.

PCSO Pat McGregor, Retail BID Police Community Support Officer

I am the dedicated Police Community Support Officer for the Retail BID area and work closely with the team and fellow West Midlands Police Officers. On my daily patrols of the city centre retail area, I deal with all street nuisances and crime, including begging, street drinking and anti-social behaviour, helping to keep the Retail BID area safe for visitors and businesses.

Promote

Retail BID has delivered promotional, shopping and lifestyle campaigns each year since 2007, including region-wide Christmas campaigns on TV, radio, print and online, establishing major events such as Style Birmingham Live, Celebration of Independents and Found, and producing area maps and unique business guides.

Our work in our second term continued to attract millions of shoppers into the city centre, and maintained Birmingham's reputation as a national leisure and lifestyle destination.

£4,600,000 PR value

83,000,000 average annual footfall in BID area

40 Events & Promotional Campaigns

500,000 Shopping Maps printed and distributed

14,000 Twitter followers

9350 Tweets

12,000 unique hits per month on ShoppingInBirmingham.com

1 BCSC Purple Apple Award

3 Style Birmingham Live Events

30,000 Celebration of Independents Guides distributed

30 Retail Awards to members

Enhance & Develop

Retail BID work on behalf of its members ensuring the streets remain a pleasant, safe place to be throughout the day, evening and after dark. We continually aspire towards a world-class environment for people and businesses within the BID area, and provide street enhancement, cleaning and events, as well as working closely with relevant stakeholders to address anti-social behaviour issues.

£600,000+ additional income

100,549+ m2 paving cleaned

960,000 pieces of gum removed

£45,000 for festive lights

60+ days of street theatre

71% reduction in street charity data collectors (chuggers)

25 Floral features

5 Britain in Bloom Award contributions

1 new wayfinding system for Birmingham

1 city centre Retail Strategy

24,000 jobs sustained

Support

Throughout Retail BID's second term, Birmingham city centre has seen, and continues to see, unprecedented levels of nearly £1B investment in the public and private realm. Parallel to this, local public sector budgets are coming under increasing strain with direct consequences for businesses and our wider trading environment.

Major projects to date include the redevelopment of New Street Station, the extension of the Midlands Metro and Grand Central Shopping Centre, plus the refurbishment of Mailbox and new businesses in Bullring and along New Street, Temple Street, Waterloo Street and Bennetts Hill. Not to mention the changes to local transport infrastructure and major gas, power and water main replacement works. Some of this work has been disruptive and created a challenging environment for businesses. Retail BID supported members throughout this period through lobbying Birmingham City Council, Centro, Highways England, Network Rail and the Valuation Office Agency to provide a united

voice. This led to local compensation and rateable value reductions, as well as tailored promotional and wayfinding support to ensure 'business as usual' wherever possible, for example during road closures and major diversions.

These developments, while disruptive, are creating thousands of new jobs in the city centre, attracting additional and repeat footfall, and will build on Birmingham's appeal as a business, shopping and lifestyle destination. Retail BID also supported local employment schemes for Grand Central and John Lewis, which created over 1,000 jobs.

£989,000 in leveraged financial support for members
£750m Grand Central & New Street Station Development
£180m Midland Metro Extension
Helping manage 3 years of building & street works
60 Retail Crime Radios
38,000 update texts to members

Second Term Financial Review

Total Income (2012-2017)	£2,807,061	
BID Levy	£2,192,561	78.1%
Voluntary Contributions & Other	£614,500	21.9%

Total Expenditure (2012-2017)	£2,807,061	
Marketing, Events & PR	£1,640,659	58.4%
Central Costs	£435,861	15.5%
Member Support	£365,241	13%
Street Scene	£325,300	11.6%
Strategic Projects	£40,000	1.5%

Developing Retail BID's Third Term

Throughout March and April 2016, Retail BID gave every local member the opportunity to have their say on how our next five-year term can best meet business' needs and improve our city centre. Every business received a member Survey through the Retail BID Edit Magazine, via our SMS mobile messaging service, by email, and the Retail BID Team visited as many members as possible. The results have been essential in forming

our Business Plan for 2017 – 2022, ensuring Retail BID's work continues to benefit businesses. Over 90% of all respondents were keen to see Retail BID deliver:

- Street cleaning, public realm improvements and safety
- Marketing, events & promotional activity
- A strong business community voice
- Destination mapping & wayfinding
- Business crime support

The theme of controlling 'street nuisances' also featured prominently during our many meetings, in both the physical (public realm, cracked paving, overgrown trees) and social sense (homelessness, chuggers, begging, busking). Retail BID is already working hard to address these issues, and will continue to do so in our next term.

Significant progress has already been made in many areas, such as the 71% reduction in street charity data collectors (chuggers), the Interconnect Birmingham wayfinding system, and our partnership with West Midlands Police to tackle anti-social behaviour and potential crime against businesses.

Introducing Retail BID's Third Term 2017 - 2022

Turning Strategies into Action

During our first term, Retail BID, along with Birmingham City Council and Make Architects, produced the Retail Birmingham Design Strategy, a comprehensive document defining distinctive character areas within the BID area, and the steps needed to enhance these and create a spectacular city centre environment. Completed in 2010, this Strategy fed directly into the broader Big City Plan and Vision for Movement, two key City Council development documents that are now shaping Birmingham's future. Each document recognised a key element - that people are using the city centre differently; from a 'get in and out' experience for shopping or work, to one of seeking a broader leisure experience of shopping, eating and visiting cultural attractions. Retail BID played a central role in shaping these planning and development documents, ensuring member voices' were heard and bringing front-line experience to the creation process.

In 2014, the City Centre Retail Strategy was published with a remit to manage the changing retail landscape and ensure Birmingham's position as a top visitor and business destination is maintained and strengthened. It sets out the importance of the city centre Retail Core as a destination, which aligns with the Retail BID boundary.

The strategy provides a clear framework and actions to guide development and investment decisions, including diversifying the business offer to provide for changing demands, creating a more rounded destination, with leisure, family entertainment, food, beverage and enhanced retail markets. Complimenting this shift is a truly outstanding

environment with a focus on ensuring improvements to the public realm and pedestrian experience are secured and implemented.

In Retail BID's second term, we have been working to deliver this vision alongside Birmingham City Council, to create a better trading environment for all businesses, and progress can be seen in the ongoing rejuvenation of John Bright Street, the growth of bars and restaurants on Temple Street, Waterloo Street and Bennetts Hill, and the public realm of Corporation Street. Future projects are on the horizon, including a further extension to the Midland Metro and funding to enhance New Street as a premier retailing environment. Retail BID will continue to push for a world-class city centre experience and environment, and our Business Plan for our proposed third term outlines our objectives.

The Birmingham Welcome

Safe, attractive and accessible. Great places are built on these foundations and, through our consultation process, our members made this clear too. The street experience is in clear and constant need of monitoring and managing to ensure the experience of being in the city centre matches that of the new public realm environment and our members' aspirations. Retail BID will ensure whether you're a visitor, business or resident, the city centre is a great place to be.

We will:

- Maintain regular BID **team visits** to quickly address local issues
- Provide additional deep and spot **cleaning** services of pavements and frontages within the BID area
- Continue to support the Retail Crime Operation radio scheme and Facewatch, alongside West Midlands Police and partners, to **protect members from crime**
- Work in partnership with the **Homeless Outreach Support Team** to help access support for street sleepers
- Continue our day to day work with the city centre Policing team and Retail PCSOs to address the problem of illegal street begging
- Partner with and support **City Centre Enforcement Officers** and work with Birmingham City Council and West Midlands Police to act upon street nuisance issues and anti-social behaviour, ensuring the city centre is a welcoming place to be
- Invest in new **floral features** for pedestrian areas during spring and summer
- Invest in new **festive decorations** and 'landmark' lighting pieces to ensure the city centre sparkles during the Christmas trading period
- Work alongside Birmingham City Council to ensure **baseline operations** in the BID area, such as street cleaning, are delivered effectively

Retail BID Team

As with any business or organisation, it often survives and excels on the strengths of the people involved. As members of Retail BID, you can be assured of a dedicated team who work tirelessly to support and represent you, and to create a safe, vibrant city centre. We want members to think of Retail BID as an extension of their own management team.

Tracking Performance

Retail BID will continue to gather and monitor key statistical information to support businesses, guide future BID projects, and provide essential feedback on city centre performance.

In the Retail BID area, we will:

- Conduct an annual shopper demographic, satisfaction and perception **surveys**, as well as future independent **research** into key opportunities or blockages
- Monitor, and make available for members, footfall levels and vacancy rates, comparing these to national averages
- Monitor street and in-store crime **statistics** to support prevention schemes
- Track campaign and event **performance** using data such as PR value, social media and web analytics, distribution of printed material, and 'opportunities to hear' for radio promotional activity
- Actively search for **match-funding**, **grant** opportunities and **sponsorship** to enhance the Retail BID budget and value for members

Chris Johnson, West Midlands Police, Chief Superintendent

"The safety of visitors and businesses in Birmingham is of paramount importance to West Midlands Police. Retail BID continues to be a key partner in ensuring street nuisances are managed promptly and effectively, and in building further relationships between businesses and the local Police team."

Sophie Shaw, Jigsaw, Manager

"As a retailer it is really important that the environment surrounding us is made as pleasant as possible for the customers visiting our store and the city. Christmas lights, flower displays and keeping the pavements clean are key to this and just one of the many roles that Retail BID plays in Birmingham."

The Birmingham Experience

Building the City Centre Experience for the Birmingham Visitor & Shopper

The requirements of what a great place must deliver, the experience of 'going to town', now demands much more than a world-class shopping offer. We believe our retail sector is a vital foundation to the city centre's economic and social strength, and we want to build on and enhance this to develop repeat visits and linked trips to the BID area.

Retail BID will support the development of the broader city centre experience in line with the City Centre Retail Strategy, encouraging visitors to extend their stay in Birmingham and use more of our retail, leisure, food, drink and accommodation businesses, as well as looking to attract visitors beyond our BID boundary using the event spaces of Town Hall, Birmingham Museums, Library of Birmingham, Symphony Hall and the National Indoor Arena, for example. This also means offering great places for people to meet and relax after work in the period between 5pm and 8pm.

Our third term will continue our work towards delivering the City Centre Experience vision, ensuring Birmingham city centre and especially the BID area continues to adapt to the changing aspirations of shoppers, visitors, residents and workers. Building this experience will require investment in creating an attractive environment, with distinctive streets and unique experiences, continued promotion of the city centre to build positive perceptions of the BID area, and the integration of digital, online and mobile tools to create an accessible, discoverable, 'omnichannel' city centre.

We will:

- Embrace and expand the **city centre leisure** offer, creating new opportunities for leisure, evening and cultural businesses to thrive and complement the existing retailers
- Support **bigger average basket sizes** in the city centre, by developing homeware and 'click & collect' services
- **Attract a wider demographic of visitors**, encouraging longer dwell times and broader spending patterns in the BID area through marketing and promotion of linked trips
- Support and promote our **independent and unique businesses**
- Continue to develop a **resilient, appealing city centre** to give members every opportunity to run successful businesses
- Review and improve **accessibility** when getting to and from Birmingham city centre, specifically looking at directional signage to car parks when driving to the city centre, and pedestrian signage at major transport hubs
- Work with Birmingham City Council and Highways England to **minimise disruption**

caused from critical road maintenance programmes. Ensure suitable 'open as usual' PR and alternative route promotion is in place

- Promote the City Centre Experience **vision**, guiding future investment in the public realm and supporting appropriate private sector property development opportunities
- Work with private and public stakeholders, such as the **Retail BID Property Forum**, to let vacant units to appropriate businesses

Lisa Williams, John Lewis Birmingham, Head of Branch

"As a new retailer into the city we have found the Retail BID extremely helpful in establishing ourselves within Birmingham and helping us to connect with other businesses. The Retail BID team has been an invaluable resource in answering questions and finding the right contacts. They will help influence issues that affect retailers and have been a great way of pulling the retail offer for Birmingham together."

Lloyd Morgan, Watches of Switzerland, General Manager

"We've more than doubled our retail space on New Street in 2015. With Grand Central behind us, the Metro running and Apple opening soon, it's a good time to be here. We're expecting a greater shopping experience across the whole of the city centre, and Retail BID has played their part in making this all come together."

Reimagining New Street

New Street is Birmingham's most prominent street, linking High Street and Bullring to the Town Hall, Victoria Square, and beyond to Brindleyplace. It is a vital East-West pedestrian route that sees an average footfall of 32,000 people per day and peaks of 50,000 at weekends, as well as an average of 23,000 people each day moving across it between New Street Station and Colmore Business District to the north.

Significant funds have been identified, through the Greater Birmingham and Solihull Local Enterprise Partnership, Birmingham City Council and Retail BID, to improve New Street and those coming off it. It is a **once-in-a-generation chance** to get the basic foundations of a great street right, and deliver a truly **world-class street environment** to match that of the newly refurbished spaces of Corporation Street, Grand Central and Mailbox, as well as our independent arcades.

There is already considerable private sector investment along New Street, with a new flagship Apple store, Watches of Switzerland, Starbucks and Moss refitting their stores recently, and Lloyds, TSB and Wagamama all having opened.

Our ambition is to re-energise New Street as a premier destination. New Street provides balance to the city centre, and it must retain its role as an active and exciting place for business that is appealing, safe and accessible.

Retail BID and its members, in partnership with Birmingham City Council, will **lead the reimagination of New Street**. This programme stems directly from the Retail Birmingham Design Strategy developed during our first term, and is yet another step in the journey towards establishing Birmingham as a world-class destination for visitors, staff, existing businesses and potential investors.

We will:

- Run a series of **New Street summits** to define the priorities and aspirations of business in the immediate area
- Work with **adjoining streets and arcades** to ensure benefits are felt here too, as well as associated landowners and fund managers through the **Retail BID Property Forum**.
- Provide **business support** during public realm works, and **minimise disruption**

Stuart Bartholomew, Waterstones, General Manager

“Retail Birmingham has some quite big plans for changing how New Street will look – there are lots of positives about what can be done with the street and I think once work is done on it, then it will look great again. New Street is definitely at a crossroads, but I am optimistic about the future.”

Waheed Nazir, Birmingham City Council, Strategic Director - Economy

“For ten years Retail BID has been a key partner to the city council in helping to shape Birmingham city centre's future together with improvements to the public realm. Their 2010 Design Strategy fed into the Big City Plan and the subsequent City Centre Masterplan and Retail Strategy, ensuring businesses had a real say in the future of their trading environment. As the city looks towards the reinvigoration of New Street as a premier retail street and further extension of the Midland Metro, Retail BID's role will be essential.”

Stephen Walker, Aberdeen Asset Management, Deputy Head of Asset Management UK

“Birmingham is one of the largest cities in the country and an important area of investment for us. We have exciting plans in place for our property, and we are looking forward to working with Retail BID and Birmingham City Council to invest in New Street.”

Promoting the City Centre

On top of an annual average footfall of 83M in the BID area, 2015 saw record growth in visitor numbers to Birmingham, with over 1M international tourists staying in the city contributing £386M to the local economy, and business travellers rising by 20% year on year, the highest in the UK.

In our third term, Retail BID will continue its award winning work, promoting members and the wider city centre experience to maintain and grow visitor numbers, and increase

the BID area's attractiveness to future inward investment. To achieve this, Retail BID recognises the importance of presenting a consistent image across a range of formats to various audiences, keeping footfall into the BID area high, promoting linked trips and increasing spend levels.

In line with our ambition to create a digital city centre, Retail BID's promotional activity will ensure opportunities and experiences in the BID area are presented online, on street and in print to reach target audiences effectively and across multiple channels. This will take many forms, including engaging with consumers through digital media and more traditional forms of PR. In this way, Retail BID will lead the development of Birmingham city centre as an '**omnichannel environment**', where consumers can be engaged with and discover the city centre on-the-go from a smartphone or similar, by using our high-quality printed maps and guides, visiting www.shoppinginbirmingham.com, or through magazine or radio advertisements.

Retail BID works closely and collaboratively with members' promotional activity, adding value to individual campaigns and linking these to the broader 'Shopping in Birmingham' brand. The BID also works to integrate and cross-promote events and campaigns from the major retail destinations such as Bullring, Grand Central, Martineau Place, The Mailbox and our shopping arcades.

Our promotional work will focus on developing and supporting events, delivering our own campaigns and marketing collateral alongside working in partnership with other agencies and organisations to present a united, Birmingham brand image.

Our Events Programme will:

- Celebrate the breadth of our members, working with businesses to develop events focused on sectors such as fashion, food, drink, and hospitality
- Explore and develop new events, working where possible with partners, key Birmingham institutions and other BIDs, to develop and enhance Birmingham's image
- Develop existing events and visitor attractions, such as the Christmas Market, art trails and Birmingham Weekender Festival, with key partners like Birmingham City Council and the City Centre Strategic Board
- Explore opportunities to work with Network Rail, New Street and Moor Street stations
- Look to leverage external funding to support events and promotional activity, through for example, Arts Council England.

David Pardoe, The Mailbox, Head of Marketing, Retail & Tenant Engagement

"We have seen huge benefits from the projects that have been initiated, set up and funded through the BIDs – in particular the profile and footfall that is driven by large flagship events including Style Birmingham Live. We hope that major events can go from strength to strength."

Kerry Wayt, Boots, Area Manager

“We know we have a fantastic shopping offer in Birmingham but all the extra promotion and support that BID offers really helps to spread the message and drive footfall. Boots benefits particularly from the range of events and campaigns the BID runs and also the regular cleaning and attention to the public realm around our stores.”

Our Campaigns & Marketing will:

- Look for collaborative marketing opportunities with members to add value to local budgets
- Support Retail BID members by providing targeted activity to drive footfall during key periods and towards specific sectors, including:
 - Christmas and seasonal promotions
 - Highlighting and celebrating independent and unique businesses
 - Attracting business tourists to explore the Retail BID area
 - Colleges and universities
- Maximise exposure for Retail BID members and the wider city centre experience using digital, radio, on street and printed opportunities

Jason Foreman, Projekt 21, Owner

“The BID is very proactive to consumer and business needs. We have been delighted to be involved in the independents campaigns since opening in the city.”

Pierre Soualah, Chouchoute Luxury Chocolate, Co-Owner

“With tough competition from High Street brands, we value Retail BID’s continued efforts to support and promote Birmingham’s vibrant independent retail scene, and the distinctive nature of our business and others within the Great Western Arcade.”

A Digital city centre

City centre users - the people who shop, work, live and relax in Birmingham - are better informed about products and services thanks to the rise in mobile and digital devices and the access to information these offer. Data from the Office for National Statistics in 2015 shows that 78% of people over 16 years old use the internet on a daily basis, with 74% of this group using it ‘on-the-go’ via a smartphone or similar device. People are using this connectivity to research goods and services (69%), read online news and reviews (62%) and access social networks (61%), and this is changing the way people plan their leisure time and how they shop.

The British Retail Consortium warned that retail jobs could be lost in the next decade as high streets struggle with the growing impact of 'digital' lifestyles and associated behaviour changes. As such, in an era where customers and visitors are researching places and services from their smartphone, Birmingham city centre has to be easily found and explored in this way too.

Retail BID will support its members by ensuring that the city centre is easily 'discoverable' online via our flagship consumer website www.shoppinginbirmingham.com, as well as integrating other digital tools to enhance this, such as responsive wayfinding and a geolocation beacon network throughout the BID area to provide enhanced, personalised engagement with our audience.

Ensuring businesses have the skills to use these new tools to their advantage is essential for the 'omnichannel experience' to thrive and be of use to members. Retail BID will work with skills providers and suitable stakeholders to offer training and guidance where required.

We will:

- Continue to develop and promote **shoppinginbirmingham.com** as the 'shop window' for Birmingham city centre's retail and leisure offer
- Ensure Retail BID's **promotional activity online, on street and in print** has a common brand identity running across all channels
- Develop Birmingham's **online and mobile presence** for all users, improving the digital discovery of members and promoting our successful social media channels
- Review digitising the Interconnect Birmingham Map and Shopping Map
- Work with Greater Birmingham and Solihull Local Enterprise Partnership to offer **SME training and guidance** to develop their confidence in using online and digital resources
- Explore other digital resources to **help users explore the city centre** in an era where mobile and online decision-making is becoming the norm, such as a geolocation beacon network

Richard Vickery, Harvey Nichols, General Manager

"I fully support Retail BID's work to make businesses more visible online and through mobile devices. So many of us rely on our phones and tablets to find out what's on, where to shop and how to get around, which means it's vital Birmingham city centre continues to develop its digital and mobile offer to enhance the Birmingham experience even further."

Business Support and Growth

Retail BID has been a strong voice for its members since 2007, and will continue to support, network and represent businesses in Birmingham city centre throughout our third term. Through this 'voice', Retail BID leveraged **over £1M in business support and match funding** during our second term; by continuing to work as a single community, successes like this can be achieved again.

We will:

- Continue to produce the regular **Retail BID Edit members' magazine** to update key contacts and local staff about the work of the BID and key upcoming events and opportunities
- Maintain our successful **text service** and **retailbirmingham.co.uk** to keep members up to date and informed on key issues, events and important updates
- Continue to **involve** members in the running of Retail BID, through focused working groups and bringing together local businesses with common interests
- Play a lead role in the **City Centre Strategic Board**, promoting closer working relationships and objectives between BIDs and other stakeholders
- **Represent** member interests', especially throughout the planning and delivery stages of any proposed major work programmes

Raheel Zahoor, Onu, Owner

"Despite recent challenges brought about by massive redevelopment in the city centre, the BID team has always supported businesses affected and even lobbied for rates relief for us during this difficult time. I really appreciate the team's work and hope the BID continues after the ballot."

The people working within our BID area, their approach to customer service and their local knowledge form a key part of the city centre experience. There are approximately 24,000 full and part time employees working within the Retail BID in roles spanning retailing, leisure, the evening economy and accommodation. With over half of all staff employed in these areas considered to be 'customer-facing', there is huge potential to support Retail BID members with customer service and skills training, while also helping the large local workforce become 'Ambassadors', able and encouraged to engage with customers and promote the broader Birmingham experience.

We will:

- Work with Greater Birmingham and Solihull LEP to explore and develop **customer service programmes** for BID members
- Schedule **regular interest groups**, such as the General Manager network and themed groups for specific sectors, and promote opportunities for members to get involved

- Maintain the Retail BID **Job Portal** and assist existing and future members employ local staff and signpost training opportunities

Projected Budget for Retail BID3 (2017 – 2022)

	Year 1	Year 2	Year 3	Year 4	Year 5	Total	
	2017/18	2018/19	2019/20	2020/21	2021/22		
Annual Budget	£536,580	£536,580	£536,580	£536,580	£536,580	£2,682,900	
<i>Levy Income</i>	£456,580	£456,580	£456,580	£456,580	£456,580	£2,282,900	85.1
<i>Voluntary Contributions</i>	£80,000	£80,000	£80,000	£80,000	£80,000	£400,000	14.9
Annual Expenditure	£561,000	£522,000	£537,000	£522,000	£537,000	£2,679,000	
The Birmingham Experience							
Marketing Campaigns & Events	£170,000	£170,000	£170,000	£170,000	£170,000	£850,000	31.8
Online, Mobile, Digital	£40,000	£16,000	£16,000	£16,000	£16,000	£104,000	3.9
Birmingham Shopping Map	£15,000	£0	£15,000	£0	£15,000	£45,000	1.7
The Birmingham Welcome							
Street Operations & Enforcement Team	£60,000	£60,000	£60,000	£60,000	£60,000	£300,000	11.2
Festive Lighting	£40,000	£40,000	£40,000	£40,000	£40,000	£200,000	7.5
Measurement & Monitoring	£21,000	£21,000	£21,000	£21,000	£21,000	£105,000	3.9
Street Deep Cleansing	£21,000	£21,000	£21,000	£21,000	£21,000	£105,000	3.9
Floral Features	£16,000	£16,000	£16,000	£16,000	£16,000	£80,000	3.0
Facewatch / RCO	£6,000	£6,000	£6,000	£6,000	£6,000	£30,000	1.1
Team Birmingham							
Management Team	£90,000	£90,000	£90,000	£90,000	£90,000	£450,000	16.8
Member Communication & Connectivity	£30,000	£30,000	£30,000	£30,000	£30,000	£150,000	5.6
Office, Professional & Legal Costs	£29,171	£29,171	£29,171	£29,171	£29,171	£145,855	5.4
Debt Provision (5%)	£22,829	£22,829	£22,829	£22,829	£22,829	£114,145	4.3

1. The BID will continue to explore/raise other funding streams in order to increase investment eg further Voluntary Contributions, grants etc.
2. Subject to the finances of BID2 Year 5, any reserves will be carried forward into BID3, Year 1.
3. The BID has on average, collected over 95% of its BID levies, across its second term
4. Birmingham City Council has confirmed it will continue to collect the BID levy for the third term at no charge to the BID.

Retail BID's Third Term In Numbers

- 5 year term (2017-2022)
- Over £2,500,000 investment
- 418 hereditaments
- 1% levy rate for all business
- 28 streets
- 5 arcades
- 2 train stations

The BID Explained

What is a BID?

A Business Improvement District (BID) is a defined area within which local businesses work together to invest collectively in additional projects and services to improve their business environment.

BIDs are established and operate in accordance with the Local Government Act 2003 and the Business Improvement Districts (England) Regulations 2004, having been voted for by a majority of businesses in a defined area for a maximum of five years. At the end of the term, a Renewal Ballot may be held.

There are now well over 200 BIDs in towns and cities across the UK, with 11 of these in Birmingham alone.

BID1 Ballot (2006)	BID2 Ballot (2011)
69% by number	74% by number
62 % by rateable value	78% by rateable value

The Retail Birmingham BID

The Retail Business Improvement District (BID) has been working for Birmingham city centre's retail area since 2007. The BID's first five year term was from 2007 - 2012 (BID1) and was successfully renewed in a ballot for a further term, which ends on 31st March 2017 (BID2). The BID has delivered a wide range of projects and services to promote and support businesses and improve the street scene and the BID Board is mindful for this work to continue into a third term.

Retail BID's Third Term (The Next Five Years)

A Renewal Ballot will therefore be held to determine whether the Retail BID can continue for a further five years. If successful, Retail BID's third term will operate from 1st April 2017 to 31st March 2022. Before the end of the third term, the BID Company may choose to seek a mandate to proceed to a fourth term via a Renewal Ballot of eligible businesses.

The BID Levy Rules

In developing the rules that will apply for Retail BID's third term, consideration has been given to the *Industry Criteria and Guidance Notes for BIDs* (2015), published jointly by the British Retail Consortium, the British Council of Shopping Centres, the British Property Federation, the Inter Bank Rating Forum and the Federation of Small Businesses.

1. If successful at ballot, the new BID term will run for five years from 1st April 2017 to 31st March 2022. The BID levy will become mandatory for all eligible ratepayers.
2. The BID levy will be applied to all eligible non-domestic hereditaments with a rateable value of £10,000 or more. The liability for the levy falls on the eligible ratepayer. Business premises with rateable values below £10,000 will be exempt from the BID levy.
3. The eligible non-domestic hereditaments are those who significantly trade or interface with customers (retail) within the BID area eg shops, restaurants, cafes, banks, building societies, travel/recruitment/estate agents and betting shops. Those businesses that do not rely on visits by members of the public for their business are exempt from the BID levy.
4. The levy will be set at 1% of the rateable value for each hereditament, as assessed in the Local Non-domestic Rating List 2017, as at 1st April 2017.
5. Any changes to rateable values in updates of the Local Non-domestic Rating List 2017 will be reflected in a corresponding change to the BID levy payment for the following financial year.

6. Where a new property is brought into the Rating List, the BID levy will apply from the effective date as shown in the Rating List. The annual levy will be apportioned on a daily basis.
7. Where a property is taken out of the Rating List, the BID levy will apply up to the day before the effective date of removal and the annual BID levy will be apportioned accordingly.
8. There will be no relief for vacant, untenanted premises. Where at the time of ballot, there is no current occupational lease, the liability will fall to the property owner until a new lease is confirmed. The owner will be entitled to vote in the ballot.
9. Businesses within the shopping centres of Bullring, Grand Central and The Mailbox each pay an annual service charge to their specific centre. Following consultation with the centres' property owners, financial contributions to the BID will be through Voluntary Contributions during the life of the BID equating to around £80,000 per annum. Businesses within the centres will therefore be exempt from the BID levy and will not be entitled to vote in the BID ballot.
10. St Martin's Market is deemed as a shopping centre for BID3, hence businesses within the centre will be exempt from the BID levy and will not be entitled to vote in the BID ballot. Consultation will take place with the Centre in order to secure Voluntary Contributions to the BID.
11. The levy will be discounted for charitable organisations at the same level as their mandatory rate relief.
12. There will be no other discounts, exemptions or allowances. The BID levy will not be affected by the small business rate relief scheme or any discretionary relief granted.
13. The BID levy will be adjusted in line with the annual inflationary or deflationary factor for Local Non-domestic rate bills as calculated by HM Government.
14. The BID levy is not subject to VAT.
15. The number of hereditaments required to make a levy payment for Retail BID3 is currently estimated at 418.
16. The levy will be invoiced annually in advance to all eligible businesses for each chargeable period from April to March each year.
17. Birmingham City Council will be responsible for the collection of the levy. Collection and enforcement arrangements will be similar to those for non-domestic businesses rates with the BID Company responsible for any debt write off.
18. The City Council has confirmed that it will collect the levy at no charge to the BID and absorb the initial set up costs for BID3, as well as being liable for the levy on its

own premises within the BID area. The BID is extremely grateful for the continuing support of the City Council.

BID Governance and Management

The Retail Birmingham BID is operated by Retail Birmingham Limited, an independent and private sector led 'not for profit' company limited by guarantee (Company Number 6181225) and this will continue for BID3.

The Board of Directors

The Company has a Board of Directors who serve voluntarily (without remuneration) and is accountable to the BID levy payers. The Board upholds and promotes the vision and objectives of the BID and oversees all elements including financial and contractual arrangements, human resources, standards and compliance, operational and service delivery, set strategic direction, performance management and be a key consultative and advisory body on BID services.

If successful at ballot, the Board will move to a Board of 15 Directors with a majority representing a cross section of the BID area's business base, supported by key stakeholders. Nominations will be invited and a transparent selection process undertaken to elect Directors to serve from April 2017. Additional members may be co-opted and professionals attend meetings as required, but will not have voting rights. If a Board position becomes vacant, nominations will be quickly sought.

Each year, the BID Board will elect a Chair and Vice-Chair from amongst its private sector members. The Chair must be a Director of the Company and can be re-elected.

There will be at least four Board meetings a year to consider and approve the work of the BID.

Every levy paying business and other organisation making annual financial contributions will be eligible to become members of the company and vote at general meetings.

A number of Project Groups will be established, reporting to the Board and each consisting of a Board Director/Champion to drive forward the agreed priorities and programmes of the BID.

BID Management

On a day to day basis, the BID will be managed through an Executive Team, led by a BID Manager, who will continue to work hard to support levy payers and deliver the additional projects and services required. The BID may need to purchase professional services such as payroll and IT and commission specific expertise from time to time.

Financial Management

The BID Company will monitor financial performance at its Board meetings. The BID will provide its audited statutory accounts and financial statements to Birmingham City

Council annually and will work closely with the City Council on matters such as levy collection and related financial management. Financial information will also be published on the BID's website.

An Operating Agreement between the BID Company and the City Council is agreed and will be in place at the commencement of the new BID term. This governs how the BID levy is collected, administered and handed over to the BID and can be viewed on www.retailbirmingham.co.uk

Working in Partnership

The Retail BID works successfully in partnership with Birmingham City Council, West Midlands Police and others on a range of services and projects and this will continue into BID3. The BID also works closely with other city centre BIDs (Colmore, Jewellery Quarter, Southside and Westside BIDs) on many activities to benefit Birmingham city centre as a whole.

Specifically, the key services provided by the City Council and Police will be baselined at the commencement of the ballot and documents are available on www.retailbirmingham.co.uk and on request. These set out the minimum service standards, which will help to reassure levy payers that their BID levy is funding additional and not baseline services.

Alterations to Arrangements

Provided that the BID is meeting its overall objectives, the BID Board will have the ability to vary service delivery and expenditure allocation to according to the changing demands of levy payers and the business environment. Changes to the BID boundary or to the levy rate plans would however require an Alteration Ballot.

The BID Ballot and Timetable

Between Monday 19th September 2016 and Thursday 27th October 2016, eligible ratepayers will be given the opportunity to vote on the proposal for the renewal of the Retail Birmingham BID for a further five years.

The confidential, postal ballot will be conducted in line with the BID Regulations by Independent Scrutineer Electoral Reform Services (ERS) on behalf of Birmingham City Council. The Retail BID served its required 'Notification of Intention to Submit a BID Proposal for Balloting Purposes' to the Secretary of State for Communities and Local Government in March 2016.

All eligible businesses with a rateable value of £10,000 or more will be eligible to vote if they are listed as a non-domestic ratepayer within the proposed BID area on the date the Notice of Ballot is published. Each property (hereditament) subject to the BID will be entitled to one vote. Businesses that occupy more than one hereditament will be entitled to one vote per hereditament.

Prior to this, the BID, working with Birmingham City Council, will have completed a canvass process to identify a voter list which will be used for the purposes of the ballot.

In the case of an empty, partly refurbished or demolished property, where no occupational lease exists, the property owner will be entitled to vote.

The ballot process and timelines will be as follows:-

Monday 5 th September 2016	A Notice of Ballot will be posted to all eligible businesses/voters. This sets out the BID Arrangements.
Monday 19 th September 2016	Ballot papers will be posted to all eligible businesses/voters.
Thursday 27 th October 2016	Close of ballot at 5 pm 'Ballot Day'. Ballot papers received after this time will not be counted.
Friday 28 th October 2016	Declaration of Result by ERS.

Retail BID3 will operate from 1st April 2017 to 31st March 2022 with the BID levy mandatory for all eligible businesses, provided, as a minimum, the following two independent criteria are met:-

1. First, a simple majority (51%) of those voting must vote in favour.
2. Second, those voting in favour must represent a majority of the aggregate rateable value of those hereditaments that have voted.

Vote 'YES' to ensure that the Retail BID continues for a further five years.

Ballot papers must be received by the Independent Scrutineer, Electoral Reform Services by no later than 5PM ON THURSDAY 27TH OCTOBER 2016. Your vote counts!

Contact details

Retail Birmingham Business Improvement District (BID)

Post: Suite 103, Cheltenham House,
Temple Street,
Birmingham B2 5BG
Call: 0121 643 3896
Visit: www.retailbirmingham.co.uk and www.shoppinginbirmingham.com
Twitter: @ShoppinginBham
Facebook: ShoppinginBirmingham
Instagram: ShoppinginBham

IN WITNESS of which this Agreement has been executed by the parties as a DEED

THE COMMON SEAL OF
BIRMINGHAM CITY COUNCIL
was affixed to this contract
in the presence of:-

)
)
)
)

Authorised signatory

EXECUTED as a Deed by
RETAIL BIRMINGHAM LIMITED by:

.....
Director

.....
Director/Company Secretary