

Business Improvement Districts Policy

Background

Waitakere City Council has adopted a Town Centre strategy which aims to establish mutually beneficial partnering programmes in Waitakere between the Council and stakeholders in each town centre plus other urban districts. The districts which participate in these programmes are called business improvement districts (“BIDs”).

These programmes contribute substantially to economic growth, employment opportunities and prosperity in the city. They are the Council’s primary vehicle for local economic and business development initiatives. They also provide a point of focus for local support for town centre improvement programmes, whether community programmes or urban design initiatives.

The primary objectives of a BID programme will be to enhance the physical environment, promote business creation and development, and increase employment and local business investment in business improvement districts. A BID programme may also involve community development and heritage conservation.

Establishing a Business Improvement District

Discussions to explore the possibility of establishing a BID may be initiated at any time by any interested party (“BID proponents”). The Council will supply a map of the business area, with the proposed BID boundary indicated for discussion. The final boundary will be determined by the Council. For maps of existing and proposed BID areas, go to: [www.waitakere.govt.nz/]

Concurrently with defining the boundary, BID proponents will need to establish an incorporated society (the “BID” Association” or “BIDA”) in accordance with the Council’s model BIDA Rules. No amendments to these Rules are permitted except with the prior written approval of the Council. For a copy of the Council’s model BIDA Rules, go to: [www.waitakere.govt.nz/]. In addition, the BID proponents must develop a strategic plan and a business plan for each year with associated budget.

Finally, the BID proponents must hold an annual or special general meeting in accordance with the rules of their BIDA, so that the Association may adopt the proposed BID boundary as well as the strategic plan, and business plan with budget, and resolve to request that the Council conduct an establishment poll.

Establishment Poll

Following a request from the BID proponents, the Council may resolve to hold an establishment Poll. The Council will assist the BID proponents to create a register of eligible voters from among the property and business owners within the BID area. The Council will then conduct a postal ballot of all eligible voters. A BID may be established if a minimum of 60% of the returned ballot papers are in favour of the BID, with no minimum return required from the total eligible voters returning valid votes.

Annual Business Plan and Budget

Once established by the Council, the BIDA must then develop an annual business plan and budget, within the framework of their original strategic plan, and present this to the Council annually by end of October, for the Council’s consideration and inclusion in the Council’s annual planning process. At the completion of the annual plan process, the Council may set a targeted rate for the BID to fund the expenditure needs identified in the BIDA annual business plan. Compliance with the notified timeline is critical, as it may not be possible for the BID to be included in the Council’s annual plan process for that year if Council timeframes are not met.

It is anticipated that the annual budget to be funded by the targeted rate in each year will generally be in line with the targeted rate struck for the previous year, adjusted as appropriate for inflation.

Land Liable for the targeted rate

A targeted rate may, at the Council's discretion, be assessed on the rateable value of Business Sector properties within the BID boundary. Business sector properties will be defined according to the property's rateable status which is allocated on the basis of specified criteria in Council's Funding Impact Statement, and the use to which the land is put. The Business Improvement District Charge for each area will be applied as a rate in the dollar, one for each BID. The budgets and rates for each BID for the current financial year are shown in the table below.

Business Improvement District area	Budget for 2008/09 (excluding GST)	Rate in the dollar for 2008/09 (including GST)
Te Atatu Peninsula	[\$ B]	[0. R]
Total	[\$ B]	[0. R]

Operating the Business Improvement District

The BIDA must at all times act in accordance with its rules, the Incorporated Societies Act 1908 and the Council's BID Policy. No amendments to the rules are permitted without the prior written approval of the Council. The Council will also produce BID guidelines, from time to time, to assist BID Associations to manage their activities. Go to: [www.waitakere.govt.nz/]

Altering, Dis-establishing or Re-establishing the Business Improvement District

Any proposal to alter the annual budget, to alter the boundaries of the BID or to dis-establish or re-establish the BID must first be approved by a majority vote at an annual general meeting or special general meeting of the BIDA. Subsequently, the Council may conduct a poll to confirm the BIDA's decision.

1. Altering the annual budget: Should the BID decide to increase or decrease the annual budget, to be funded by a targeted rate, by more than 10% against the previous year's budget, the Council will at its discretion conduct a Budget Alteration Poll.
2. Altering the boundaries: Should the BID decide to alter its boundaries, the Council will at its discretion conduct a Boundary Alteration Poll.
3. Dis-establishing the BID: Should members of the BID wish to dis-establish the BID, the Council may at its discretion, conduct a Dis-establishment Poll. If a Dis-establishment Poll is successful, the members of the Incorporated Society may wish to continue as a Society, but it may no longer be named a BID.
4. Re-establishing the BID: If a BID has been dis-established, members of the Society may seek to have the BID re-established, but only after the expiration of a two year period from the date of the Dis-establishment Poll.

Any Budget Alteration Poll, Boundary Alteration Poll, or Dis-establishment Poll must be conducted in accordance with the same procedures as for an Establishment Poll.

Disputes between the BID and the Council

Should any dispute arise between a BID and the Council, it must be resolved first, through good faith discussions and if these are not successful, through mediation or arbitration (in accordance with the rules of the Association of Lawyers Engaged in Alternative Dispute Resolution "LEADR").

Council may at its discretion review or amend this policy from time to time.