

Communities Cabinet Advisory Board

22 August 2018

Is the final decision on the recommendations in this report to be made at this meeting?

No

Royal Tunbridge Wells Business Improvement District (BID)

Final Decision-Maker	Cabinet
Portfolio Holder(s)	Councillor Jane March – Portfolio Holder for Culture, Tourism and Leisure Councillor Tracy Moore – Portfolio Holder for Economic Development and Communication
Lead Director	Lee Colyer, Director of Finance, Policy & Development
Head of Service	David Candlin, Head of Economic Development and Property
Lead Officer/Author	Hilary Smith, Economic Development Manager
Classification	Part Exempt Exempt Appendix A: exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person including the authority holding that information.
Wards affected	Park, Culverden, St James, Pantiles & St Mark's, Broadwater

This report makes the following recommendations to the final decision-maker:

1. To support work that is being undertaken by Royal Tunbridge Wells Together to create a Business Improvement District (BID) for Royal Tunbridge Wells town centre;
2. To delegate authority to the Director of Finance, Policy & Development (s151 Officer) to cast the Council's 16 votes in favour of the BID in the ballot;
3. To manage the BID ballot; and
4. If there is a Yes vote for the BID, to enter into an Operating Agreement and a Baseline Agreement with the BID organisation.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

The BID links directly to the overall vision set out in the Five Year Plan:

Our vision is to encourage investment and sustainable growth and enhance quality of life for all. Focusing on activities that support prosperity, wellness and inclusivity, the borough will be a more attractive place to live, work and visit.

In addition it fits with the aspirations to be:

- Working with the best-placed partners; and
- An enabling council

Timetable	
<i>Meeting</i>	<i>Date</i>
Management Board	1 August 2018
Discussion with Portfolio Holder	7 August 2018
Cabinet Advisory Board	22 August 2018
Cabinet	13 September 2018

Tunbridge Wells Committee Report, version: May 2018

Royal Tunbridge Wells Business Improvement District (BID)

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides an update on the Royal Tunbridge Wells Together (RTWT) proposal to create a Business Improvement District (BID) for Royal Tunbridge Wells town centre and seeks the Council's agreement to support the BID.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The Town Centre Partnership known as Royal Tunbridge Wells Together is a Community Interest Company formed in 2016 and is a business-led organisation. The Council has supported the organisation from the start, providing 3 years tapered funding and having 2 places on the Board. Other Board members include representatives from businesses across the town centre for example Royal Victoria Place (Chair), Cripps, Markerstudy and Trinity Theatre.
- 2.2 RTWT has made a successful start as a membership organisation, employing 2 members of staff and undertaking a range of initiatives in support of the town centre (see Appendix A). RTWT currently has 55 members across a range of sectors and business size.
- 2.3 When RTWT was set up, it was always the intention to explore the feasibility of a BID for the town centre as a more sustainable and equitable way to provide additional services/initiatives in the longer term.
- 2.4 A BID is a business-led and business funded organisation created to improve a defined commercial area. Within this area all eligible businesses pay an additional levy based on the rateable value of their property to fund services and improvements that have been identified as priorities by the businesses themselves. The BID proposer prepares a Business Plan and a ballot is held to gain approval for the BID. If a BID is approved via the ballot, then payment of the levy is mandatory for all eligible rate payers in the area.
- 2.5 There are over 300 BIDs in the UK, including Canterbury, Winchester, Chichester, Banbury and Guildford. Many BIDs are on their second or third term. Most recently, Maidstone businesses approved a town centre BID in July 2018. Appendix B provides further information about BIDs (prepared by RTWT).
- 2.6 The RTWT BID Business Plan will be published in September 2018 and it is proposed that the BID ballot will run from 15 October to 9 November 2018. The BID would start on 1 April 2019 and would run for 5 years. After this, another ballot would be needed to continue the BID.

- 2.7 Businesses get 28 days to vote in the ballot. The ballot must be won on two counts; both a majority by the number of votes and a majority by the rateable value of those that vote. No turnout threshold is required.

Tunbridge Wells Borough Council Role

- 2.8 **Levy** - Within the draft proposed BID area (shown in Appendix C) the Council owns 16 properties that would be eligible for the levy. The annual levy payment for the Council based on these 16 properties is expected to be that shown in Exempt Appendix A.
- 2.9 TWBC has previously paid contributions over three years to RTWT on a tapering scale (Year 1 £40K, Year 2 £30K and Year 3 £20K) and these payments would cease if the BID is successfully established.
- 2.10 **Ballot** - TWBC has responsibility for managing the ballot which it can either undertake in house or out-source to a suitable contractor. Following discussion with the Democratic Services team it is proposed that this work is out-sourced due to the existing workload of the team at the time of the proposed BID ballot. The cost of the ballot is approximately £2000 and would be covered from within the existing Economic Development budget.
- 2.11 **Operating and Baseline Agreement** - An Operating Agreement and Baseline Agreement is required between the Council and the BID organisation. The Operational Agreement sets out TWBC's administrative role in on-going levy collection (the cost of which will be paid for by the BID). It will also identify the role of TWBC on the BID Board. It is proposed that TWBC will have two seats on the BID Board, for an Officer and a Member (this is currently the case with RTWT). The Baseline Agreement will set out the existing level of service provided by the local authority and other parties in the town centre to ensure that the BID is providing additional services.
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3. AVAILABLE OPTIONS

- 3.1 There are a number of actions that a local authority must undertake if a BID is proposed for the town centre including managing the ballot. In addition, if there is a successful Yes vote, TWBC will (like all other eligible businesses) have to pay the BID levy even if the Council decided to vote No at ballot.
- 3.2 TWBC could choose not to support the BID at the ballot.
- 3.3 TWBC could continue to support the BID process and vote Yes at the ballot across its property portfolio.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is for the Council to support the BID ballot and vote Yes at the ballot.

- 4.2 Unlike the current membership model for RTWT, the BID model is sustainable and equitable.
- 4.3 The BID would bring significant additional investment into the town centre to build on existing services provided by the Council.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Royal Tunbridge Wells Together has undertaken initial feasibility work, including consultation to understand the priorities of businesses within the town centre and to see if these priorities could be delivered via a BID. The consultation feedback has suggested that this is the case, and that the BID should focus on the following (which will be described in more detail in the RTWT BID Business Plan):
- Events (both new and building on existing)
 - Stronger marketing and promotion of Royal Tunbridge Wells
 - Parking initiatives
 - Improved employee initiatives for staff in Royal Tunbridge Wells
- 5.2 A further, more detailed consultation is now underway with the business community and will provide the detail required to feed into the BID Business Plan. The aim for this consultation stage is to get responses from at least 50% of businesses within the proposed BID area.
- 5.3 A TWBC Members Briefing was held on 19 July to provide more details of BIDs and the preparatory work that RTWT is undertaking. The BID is also described in the adopted Economic Development Strategy 2018 - 21.
- 5.4 RTWT has held a number of business networking meetings to explain BIDs to local businesses and to assess the initial level of support. In addition, a BID campaign launch event is planned for early September.
- 5.5 There will be a series of press releases/articles during August and September and use will also be made of social media to promote the BID and the ballot.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Publication of the BID business plan by RTWT is anticipated in the week commencing 3 September 2018. It is then proposed that a ballot will be held in 15 October – 9 November 2018 (28 days in total), managed by TWBC but outsourced to an appropriate contractor.
- 6.2 TWBC will use its 16 votes to vote Yes in the ballot.
- 6.3 TWBC will act as the billing body if there is a Yes vote and the cost of this will be covered by the BID.

- 6.4 TWBC will enter into an Operating Agreement and Baseline Agreement with the BID organisation if there is a Yes vote.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	<p><i>Business improvement districts are business led partnerships which are created through a ballot process to deliver additional services to local businesses.</i></p> <p><i>The Local Government and Housing Act 1989, section 150 enables charges to be imposed on permitted grounds.</i></p> <p><i>Charges can be imposed for the additional services under the Act and in accordance with the requirements of the Business Improvement Districts (England) Regulations 2004. The process outlined in the regulations must be followed in administering the ballot and the Council's participation in the BID. The recommendations are in accordance with the Act and the Regulations.</i></p> <p><i>Acting on the recommendations is within the Council's powers within the Constitution and the executive functions of Cabinet.</i></p>	<p>Patricia Narebor Head of Legal Partnership August 2018</p>
Finance and other resources	<p><i>The BID ballot cost is covered by existing budgets. Actual operational costs will be recharged to the BID. The current grant will cease in 2018/19 and instead the Council will support the BID via the Levy.</i></p>	<p>Jane Fineman Head of Finance & Procurement August 2018</p>
Staffing establishment	<p><i>The recommendations of the report do not have an effect on staffing and there is no requirement for additional resources.</i></p>	<p>Nicky Carter Head of HR August 2018</p>
Risk management	<p><i>There are risks associated with the proposed recommendations. However, RTWT is working with a BID consultant who is advising on the process and this will mitigate the risks.</i></p> <p><i>Consultation with businesses in the town centre will ensure that the priorities in the Business Plan are those identified by the businesses themselves.</i></p>	<p>Hilary Smith Economic Development Manager August 2018</p>

Data Protection	<p><i>As this project concentrates on the development of a Business Improvement District, much of the information collected and used would be considered as business information, which is not subject to data protection laws. Overall therefore, the project is likely to have a low impact on data protection and privacy issues for individuals.</i></p> <p><i>Alongside this, Tunbridge Wells Together (RTWT) has undertaken its own data protection analysis to understand the risks to personal data that they may be storing, and this, together with mitigating actions, has been reported to Board meetings of the organisation.</i></p> <p><i>The ballot process is one area where the Borough Council (rather than RTWT) is responsible for collecting and processing a limited amount of personal information, in particular if there are named individual representatives for companies who take part in the voting process. It is anticipated that ballot process will be outsourced to an external company with expertise in this field. It is therefore important that the processor contract contains suitable data protection clauses to sufficiently protect any personal data. Counting of the ballots will also be outsourced, and so contractual clauses with the processor will need to be used to ensure that the count is conducted using standard Electoral Commission statutory guidance and protocols for ballot counting, which protects the secrecy of the vote and prevents the processor and/or the Borough Council as a corporate body and controller, being able to use voting information to understand individual political preferences and/or philosophical beliefs.</i></p>	<p>Jane Clark Head of Policy & Governance August 2018</p>
Environment and sustainability	<p><i>The recommendations of the report do not have a sustainability impact but if a BID is introduced the Council would want to work with the BID management.</i></p>	<p>Gary Stevenson Head of Housing, Health & Environment August 2018</p>
Community safety	<p><i>The BID will work to support initiatives to reduce crime and anti-social behaviour in the town centre in partnership with the Council, Police and Safe Town Partnership.</i></p>	<p>Terry Hughes Community Safety Manager August 2018</p>

Health and Safety	<i>The recommendations of the report have no specific Health & Safety implications. The BID company will be responsible for Health & Safety considerations including relevant risk assessments.</i>	Hilary Smith Economic Development Manager August 2018
Health and wellbeing	<i>The BID would undertake initiatives that would promote the health & wellbeing of businesses and their employees in the town centre as well as visitors to the town centre. The Council would seek to work with the BID company on such projects.</i>	Stuart Smith Healthy Lifestyles Co-ordinator August 2018
Equalities	<i>We have completed an equality impact assessment on the Economic Development Strategy and not identified any issues in relation to the protected characteristics with regards to exploration of a Business Improvement District.</i>	Sarah Lavallie August 2018

8. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- Appendix A: Royal Tunbridge Wells Together Initiatives/Projects
- Appendix B: Business Improvement District Factsheet
- Appendix C: Proposed BID area map
- Exempt Appendix A – BID Financial Information

9. BACKGROUND PAPERS

None