

**Notice of Meeting:**

I hereby give notice that an ordinary Meeting of Hamilton City Council will be held on:

**Date:** Thursday 21 April 2016  
**Time:** 9:30am  
**Meeting Room:** Committee Room 1  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

---

## **Business and Investment Subcommittee OPEN AGENDA**

---

**Membership**

Chairperson Her Worship the Mayor J Hardaker  
Members Cr M Forsyth  
Cr A King  
Cr A O'Leary  
Cr R Pascoe

**Quorum:** Three members

**Meeting Frequency:** Quarterly – or as required

---

Becca Brooke  
Committee Advisor

**14 April 2016**

Telephone: 07 838 6439  
Becca.Brooke@hcc.govt.nz  
www.hamilton.govt.nz

**Terms of Reference:**

- To enhance Hamilton's economic position.
- Promote investment and business attraction opportunities for Hamilton.
- Oversee implementation of the Economic Development Agenda.
- To receive information and provide advice in relation to potential major developments.
- Recommend funding for Hamilton & Waikato Tourism (HWT) and Hamilton Central Business Association (HCBA) and receive six monthly/quarterly and annual reports.
- Develop and recommend to the Strategy and Policy Committee the Central City Transformation Plan.
- Develop and recommend a strategy to optimize use of the Municipal Endowment Fund and the Domain Endowment Fund by 30 March 2014.

**Special Notes:**

- The sub-committee may request expert advice through the Chief Executive when necessary.
- This sub-committee monitors Hamilton Properties Ltd.

**Power to act:**

- Recommend funding for Hamilton & Waikato Tourism (HWT) and Hamilton Central Business Association (HCBA) to the Finance Committee or Council.
- Make operational decisions that are aligned to the outcomes of the Economic Development Agenda.

<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>1</b>	<b>Apologies</b>	<b>4</b>
<b>2</b>	<b>Confirmation of Agenda</b>	<b>4</b>
<b>3</b>	<b>Declarations of Interest</b>	<b>4</b>
<b>4</b>	<b>Public Forum <i>(not required)</i></b>	<b>4</b>
<b>5</b>	<b>Business and Investment Subcommittee Open Minutes 10 March 2016</b>	<b>5</b>
<b>6</b>	<b>Business and Investment Subcommittee Action List - Open - 21 April 2016</b>	<b>11</b>
<b>7</b>	<b>Business Improvement District Policy Review</b>	<b>15</b>
<b>8</b>	<b>General Manager's Report</b>	<b>28</b>
<b>9</b>	<b>Resolution to Exclude the Public</b>	<b>30</b>

**1 Apologies**

**2 Confirmation of Agenda**

The Committee to confirm the agenda.

**3 Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

**4 Public Forum (*not required*)**

**Committee:** Business and Investment  
Subcommittee

**Date:** 21 April 2016

**Report Name:** Business and Investment  
Subcommittee Open Minutes  
10 March 2016

**Author:** Brendan Stringer

<b>Status</b>	<i>Open</i>
---------------	-------------

### Recommendation

That the Subcommittee confirm and adopt as a true and correct record the Open Minutes of the Business and Investment Subcommittee Meeting held on 10 March 2016.

### 1. Attachments

- Attachment 1 - Business and Investment Subcommittee Open Minutes 10 March 2016

---

## Business and Investment Subcommittee

### OPEN MINUTES

---

Minutes of a meeting of the Business and Investment Subcommittee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Thursday 10 March 2016 at 9:00am.

#### PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Members	Cr M Forsyth Cr A King Cr A O’Leary Cr R Pascoe

In Attendance	Richard Briggs – Chief Executive Kelvyn Eglinton – General Manager City Growth Sean Murray – Director H3 & Events Lee-Ann Jordan – Chief of Staff
---------------	--

Charlotte Day - Policy Advisor, Enterprise Policy, Science, Skills and Innovation  
(Ministry of Business, Innovation and Employment) - *for Item 8 only*

Committee Advisor	Mr B Stringer
-------------------	---------------

---

#### 1. Apologies

**Resolved:** (Her Worship the Mayor Hardaker/Cr O’Leary)

That the apologies from Councillor Forsyth (lateness) be received and accepted.

## 2. Confirmation of Agenda

**Resolved:** (Her Worship the Mayor Hardaker/Cr Pascoe)

That the Subcommittee confirm the Agenda.

## 3. Declarations of Interest

No members of the Committee declared a Conflict of Interest.

## 4. Public Forum

There was no Public Forum.

## 5. Business and Investment Subcommittee Open Minutes 18 November 2015 and 9 February 2016

**Resolved:** (Cr Pascoe/Her Worship the Mayor Hardaker)

That the Subcommittee confirm and adopt as a true and correct record:

- a) the Open Minutes of the Business and Investment Subcommittee Meeting held on 18 November 2015; and
- b) the Open Minutes of the Business and Investment Subcommittee Meeting held on 9 February 2016.

## 6. Business and Investment Subcommittee Action List - Open - 10 March 2016

**Resolved:** (Cr O'Leary/Her Worship the Mayor Hardaker)

That the Report be received.

## 7. Business Improvement District Policy Review

At the Chief Executive's invitation, the Chief of Staff, supported by the Director H3 & Events ('the Director') and General Manager City Growth ('the GM'), highlighted, and responded to questions on, the following points:

- **Working Group**  
The Working Group met four times and approved the draft Business Improvement District ('BID') Policy ('the draft Policy'), as presented to the Subcommittee.
- **Executive Committee**  
The draft Policy proposed three independent appointees to a BID Executive Committee, and that each Committee Member would have a two-year tenure to provide continuity and strategic planning.

- **Funding**
  - i. A BID targeted rate would be adjusted annually at an inflation percentage adopted by Council; this would be levied on consented commercial premises within a defined BID area. The draft Policy contemplated Council would retain a degree of flexibility in determining the inflation rate used.
  - ii. Staff would circulate a note on the composition of the funding formula used for BIDs to the Subcommittee Members, which was summarised by the Chief Executive.
  - iii. The Working Group was happy with the components of the formula.
  - iv. The draft Policy set out the process should a BID seek to increase its funding allocation. Members of a BID would need to approve such increase prior to Council being requested to approve the same. BIDs could also seek funding from alternative sources.
  
- **Central City BID**
  - i. The map used to delineate the central city BID area differed from the Central City Transformation Plan map; the Working Group was satisfied with different maps operating given the distinctive purposes. The central city BID could seek Council approval to a change to its designated footprint, if required.
  - ii. The report focused on the establishment of any BID that wanted to operate in Hamilton; the performance of the current BID was reported separately to the Subcommittee on a six-monthly basis.
  
- **Measuring Performance**

A BID would need to comply with KPIs that would be agreed up-front, which would then be monitored and reported on to Council.
  
- **Targeted Consultation**
  - i. Staff were scheduled to meet with the Property Council:
    - a. for feedback on the draft Policy; and
    - b. at the request of the Subcommittee, to work through the Property Council's proposal for a Central Business District ('CBD') Board.

It was noted that there were members of the Property Council on the Working Group.
  - ii. It was suggested that business associations that operated in Hamilton should also be contacted as part of the proposed consultation.
  - iii. The Subcommittee or the Strategy and Policy Committee (once the matter was recommended by the Subcommittee) could request staff undertake wider consultation, if deemed appropriate.
  
- **Alternative Structures**

The Working Group's Terms of Reference, approved by the Subcommittee, concentrated on a review of the existing BID policy; other models similar to BIDs were considered as part of the original research undertaken by staff but were outside the Terms of Reference.
  
- **Draft Policy**
  - i. As contemplated in clause 1.4.2, preservation of heritage could be an appropriate factor for a BID's identity.
  - ii. Clause 1.6 in the draft reflected the interdependence between a BID and Council.
  - iii. Clause 8.1 proposed that Council could determine to cease funding to a BID. If desired, the BID could continue to operate in that situation, if it obtained alternative financing.
  - iv. Some of the KPIs listed in clause 9.8 were similar to those contained in the existing policy.

- v. Council had a legislative responsibility in relation to setting rates; as such Council needed to retain a discretion not to implement targeted rates to fund a BID.

Councillor Forsyth arrived during discussion on Item 7 (9:15am) and took part in the voting.

**Resolved:** (Crs O'Leary/Pascoe)

That:

- a) the report is received; and
- b) the draft Business Improvement District Policy is endorsed for targeted consultation with identified stakeholders and reported back to this Subcommittee's meeting in April.

**Councillor King dissenting**

Staff confirmed they would present any proposed changes to the draft Policy, to reflect feedback from the targeted consultation, prior to reporting back to the Subcommittee.

Staff were asked that their report to the Subcommittee in April consider the Property Council's proposed CBD Board and how it would relate to the operation of a BID association in the central city.

**The Meeting adjourned from 10:35am to 10:41am**

## 8. Regional Business Hub

The Chief Executive introduced the report and stated that a project manager would be appointed to commence work on the establishment of a Hamilton Waikato Business Hub. In response to questions, the Chief Executive advised the specific physical base for the Hub would be considered as part of the project manager's remit.

**Resolved:** (Cr Pascoe/Her Worship the Mayor Hardaker)

That the report be received.

## 9. Resolution to Exclude the Public

**Resolved:** (Her Worship the Mayors Hardaker/Cr Pascoe)

### Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Business and Investment Subcommittee Public Excluded Minutes 18 November 2015	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Business and Investment Subcommittee Action List - Public Excluded - 10 March 2016	)	
C3. Development Site Update - Sonning Car Park Land		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)

**The Meeting moved to a Public Excluded session from 10:50am to 11:06am.**

**The Meeting was declared Closed at 11:06am**

**Committee:** Business and Investment  
Subcommittee

**Date:** 21 April 2016

**Report Name:** Business and Investment  
Subcommittee Action List -  
Open - 21 April 2016

**Author:** Brendan Stringer

<b>Status</b>	<i>Open</i>
---------------	-------------

## Recommendation

That the Report be received.

### 1. Attachments

- Attachment 1 - Business and Investment Subcommittee Action List (Open) - 21 April 2016



**BUSINESS & INVESTMENT SUBCOMMITTEE**

**Action List - 2013-16**

**OPEN**

Ref.	GM Responsible	Action	DUE DATE for reporting back	Status (relative to due by date)	Notes
1	GM City Growth	The Hamilton Central Business Association to provide feedback on the Business Improvement District Policy to be reviewed by the Subcommittee at its meeting on 11 November 2014.	21-Apr-16	In progress	18 Nov 2015: The BID Policy working group is due to meet three times prior to Christmas and a verbal update on progress will be given at the 18 November 2015 Subcommittee meeting.  The draft BID Policy was reported back to the 10 March 2016 Subcommittee meeting. The policy was submitted to the following stakeholders for feedback: Hamilton Central Business Association* (meeting held) Property Council*(meeting held) Waikato Chamber of Commerce* (meeting held) North East Community Hub* (meeting held) Hospitality Association of New Zealand/Rototuna Community Frankton Business Association Lugtons Real Estate Lodge Real Estate Hamilton East Community Trust  *Feedback has been received
6	GM City Growth	Municipal Endowment Fund Investment Policy and Freeholding Council Domain and Municipal Endowment Leases Policy.	21-Apr-16	In progress	An update was presented at a Subcommittee workshop on 10 March 2016. PWC draft report received and a further workshop is proposed to follow the 21 April 2016 Subcommittee meeting.
9	GM City Growth	<b>Draft BID Policy</b> i. Staff to circulate, to Subcommittee members, a note on the composition of the funding formula used for BIDs.	21-Apr-16	Completed	Information circulated to Subcommittee members on 1 April 2016.
10		ii. Staff to include the Property Council and business associations that operated in Hamilton in targeted consultation.	21-Apr-16	Completed	See Action 1 above.
11		iii. Draft BID Policy to be reported back to the Subcommittee in April, following targeted consultation and presentation to the Working Group.	21-Apr-16	Completed	Report presented on 21 April 2016.
12		iv. Staff report to the Subcommittee to consider the Property Council's CBD Board and how it would relate to the operation of BID association in the central city.	21-Apr-16	In progress	We are awaiting feedback and have offered assistance if required.  Delayed whilst Property Council develop detail. Met and discussed HCC requirements on 8 April.



**Committee:** Business and Investment  
Subcommittee

**Date:** 21 April 2016

**Report Name:** Business Improvement District  
Policy Review

**Author:** Kelvyn Eglinton

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	
<b>Financial status</b>	<i>The cost of this review is \$2,000 and is funded from existing budget</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

- To approve the draft Business Improvement District Policy for recommendation to the Strategy and Policy Subcommittee for approval.

## 3. Recommendations from Management

That:

- the report be received;
- approval is granted for the edits within the attached draft Business Improvement District Policy in section 1.7 on page 2 of the policy; and
- the attached draft Business Improvement District Policy be adopted as final.

## 4. Background

- The subcommittee received a report and draft BID policy at its meeting of 10 March 2016, and approved the draft policy for targeted consultation with identified stakeholders.

Link to previous report below:

<http://www.hamilton.govt.nz/AgendasAndMinutes/20160310%20Business%20and%20Investment%20Subcommittee%20Agenda%20-%20Open%20-%2010%20March%202016.pdf>

## 6. Further Consultation

- Following consideration of the draft revised BID policy at the meeting of 10 March 2016, the General Manager has personally undertaken targeted consultation.

8. Invitations were extended to the following seven organisations on 17 March 2016 with reminders circulated on 1 April 2016.
9. In summary, four of the seven organisations contacted responded and indicated that they were happy with the draft policy. Some of the organisations raised other matters relating to opportunities for future BIDs and the central city.
10. A summary of the responses is found in the table below:

AGENCY	RESPONSE	COMMENTS
North East Community Trust	Chairperson Meeting with GM	Could identify benefit of BID for the North East Community in future years but the focus currently is on advocating for facilities and services to meet growth.  Would raise the opportunity for a BID within future meetings but see potential to begin with local Business Association or committee.
Hamilton Central Business Association	CEO Meeting with GM	In support of current BID policy.  Supportive of changes and format and retention of control by members.
Property Council	Delegation Meeting with GM	Understood current policy and focus but felt that the purpose and design of the current BID was not correctly aligned to the strategic and development opportunity to be realised within the central city.  Felt that the BID as a current mechanism to drive the Property Council Manifesto and the CCTP was insufficient.  Promoted the CBD board concept to which they are willing to further develop for greater detail and clarity.
Waikato Chamber of Commerce	CEO Meeting with GM	Understood the current BID policy and felt that the purpose needed to be more strongly defined to highlight the strategic nature of the development opportunity in the central city.
Hamilton East Community Trust	No response	
Hotel Association of New Zealand	No response	
Franklin Business Association	No response	

11. As a result of the engagement the General Manager has edited the purpose statement (highlighted as attached) to strengthen the strategic nature of the BID policy. These changes are in section 1.7 on page 2 of the document.
12. The BID policy applies to any business improvement district that wishes to establish such an entity and is not specific to the central city.

13. Property Council Waikato Branch CBD Proposal
14. The Waikato Branch of the Property Council circulated a two page proposal for a CBD Board to Business and Investment Subcommittee members just prior to the March 10 meeting.
15. During the engagement discussions on the BID Policy with representatives of the Property Council on April 8, the CBD Board proposal was raised as an alternative mechanism to the current BID policy. The Property Council feel a CBD Board would offer greater strategic focus and separation from Council to drive developments and progress in a timely manner.
16. An invitation to work with Council staff to develop a more detailed proposal for consideration at a future meeting of the Business and Investment Subcommittee was extended to the Property Council.
17. The General Manager has made resources available, if requested, to assist the Property Council with the proposal.

## **18. Financial and Resourcing Implications**

19. The cost to complete this review is \$2,000 which is made up of staff time and is funded from existing budgets.

## **20. Attachments**

21. Attachment 1 - Draft Business Improvement District Policy

### **Signatory**

Authoriser	Kelvyn Eglinton, General Manager City Growth
------------	--

## Business Improvement District Policy

### CONTENTS

1. Definitions
2. Purpose and Scope
3. Policy
4. Monitoring and Implementation
5. Schedules

### Purpose and Scope

1. This Policy applies when setting up a Business Improvement District (BID) including its funding and Council's administration of BIDs.
2. This policy applies to any BID established within the Hamilton City Council's boundary.
3. This policy applies to business and commercial property ratepayers and does not apply to private property occupied by residents.

<i>First adopted:</i>	29/06/2012
Revision dates/version:	10/03/2016
Next review date:	30/06/2015
Engagement required:	
Document number:	D-2066640
Associated documents:	
<b>Sponsor/Group:</b>	General Manager City Growth

## Definitions

BID Proponent	The interested party or the Council that is making a proposal to establish a Business Improvement District
Business Improvement District or BID	A defined area over which a targeted rate will be set to fund a BID Association
Council	Hamilton City Council
BID Association	An incorporated society established to deliver the programme of work for the BID area
Returning Officer	A person from an independent election service body which has been approved by Council
SUIP	Separately used or inhabited part of a property

## Policy

### 1. Purpose of a Business Improvement District

#### 1.1 Business Development:

- 1.1.1 To support business creation, attraction, retention and expansion within a BID.
- 1.1.2 To assist and guide development and advancement of commercial interests of businesses and business people within a BID.
- 1.1.3 To provide a forum for networking and collaboration of members.

#### 1.2 To advocate for business interests within the BID.

#### 1.3 Promotion, events and marketing:

- 1.3.1 To market business interests within the BID locally, regionally and nationally.
- 1.3.2 To establish and support an identity for the BID.

#### 1.4 To support Council to ensure the physical environment of the BID is consistent with the BID identity.

- 1.4.1 To promote amenity, cleanliness, safety and connectivity within the BID.
- 1.4.2 To advocate for the preservation of heritage appropriate to the BID.
- 1.4.3 To advocate for quality urban design within the BID.

#### 1.5 To align strategic goals for the BID with Hamilton City Council's strategic plans.

#### 1.6 To work collaboratively and in a co-ordinated way with Hamilton City Council.

#### 1.7 To work with other organisations that have a role within the BID, for example, the Waikato Chamber of Commerce and local branch of the Property Council of NZ [to ensure a coordinated strategic approach to developments within the BID are taken.](#)

### 2. Process to Establish a BID

#### 2.1 The Council approves setting up a BID.

#### 2.2 A proposal to establish a BID may be initiated at any time by the Council or any interested party (a BID proponent). A BID proponent should seek sufficient support for establishing a BID before making a request to the Council.

- 2.3 A Register of Eligible Voters will be established.
- 2.3.1 The Council will approve the potential BID boundary area and provide a map. This will occur in consultation with any BID proponent.
- 2.3.2 A list of property owners and businesses occupying property within the proposed BID boundary area will be prepared by the BID proponent with the assistance of the Council. The list must include property-owner name, valuation number, physical address, name of owner/occupier; email/electronic contact/website contact; mailing address; landline/mobile phone contact.
- 2.3.3 Each property owner and business occupier on the list must be contacted to determine who will be the registered voter and whose name is to be listed on the Register of Eligible Voters. This policy is based on the principle of 'one person, one vote' meaning each registered eligible voter will have one vote.
- 2.3.4 All registered voters automatically qualify to become members of the BID Association and the Register of Eligible Voters is the BID Association's membership register.
- 2.3.5 If the owner and/or occupier are an individual, that person should be registered as the voter unless they nominate someone else to act on their behalf. All future communication must be addressed to that nominated individual, unless the owner or occupier subsequently nominates a different representative.
- 2.3.6 If the owner and/or occupier is not an individual, communication must be with the senior management of that body (typically a company or trust) to nominate someone to act on their behalf.
- 2.3.7 Where an individual or organisation appears multiple times on the owner and/or occupier list (for example, they own a number of properties or businesses in the BID) that person or organisation may nominate only one name per property for the Register of Eligible Voters, noting each person must be different and not already on the voter register.
- 2.3.8 The following business owners are not eligible to register on the Register of Eligible Voters:
- Business owners who operate their businesses from residentially rated property within the BID boundary area.
  - Business owners who give a business address which is a commercial property within the BID boundary area, but who do not physically run their businesses from that address (for example businesses who use their accountant's address, or businesses who have mail delivered to a relative or friend running a business within the BID).
- 2.3.9 Business owners who operate from a residentially-rated property may choose to join the BID Association provided that they satisfy the BID Association they operate a business within the BID.
- 2.3.10 The following information must be included on the Register of Eligible Voters:
- Name of property owner or occupier
  - Name of representative (if applicable)
  - Contact details:
    - Email address
    - Mailing address
    - Physical address
    - Telephone, including mobile number / fax numbers
  - The voter's preferred method of communication (for example, email).

- 2.3.11 The Register of Eligible Voters must be agreed by Council staff and any disputes about eligibility for inclusion on the Register of Eligible Voters will be made by the Council.
- 2.3.12 Once established, it is the responsibility of the BID Association to maintain and update the membership register and immediately advise the Council of any changes.
- 2.3.13 The BID Association must not use nor pass on any personal information for any purpose other than administration of the BID Association.
- 2.4 A BID Poll will be conducted.
- 2.4.1 No BID will be established without a BID Poll and that BID Poll must achieve a voting return of 35% of voters listed on the Register of Eligible Voters and the majority of those votes are in favour of the proposition.
- 2.4.2 The BID Poll is the responsibility of the BID proponent.
- 2.4.3 The Council will pay for the cost of the BID establishment poll.
- 2.4.4 A Returning Officer approved by the Council must be engaged to conduct the BID Poll and they must be engaged as soon as the Register of Eligible Voters has been finalised to enable the election service to begin preparing for the Poll. Material prepared for the Poll must include:
- The Register of Eligible Voters.
  - An easy to understand information sheet outlining the BID proposal.
  - A ballot form approved by the Returning Officer.
  - A contact update form.
- 2.4.5 All registered voters on the Register of Eligible Voters must be notified of the upcoming Poll and the key issues to be decided. These issues include, but are not limited to:
- The boundaries of the proposed BID.
  - The total budget and approximate targeted rate to be assessed.
  - The objectives of the BID strategic plan.
  - The principal BID proponents for contact purposes.
- 2.4.6 The BID proponent must engage with the property owners and occupiers within the proposed BID through:
- At least one information meeting, open to all interested parties, must be held no less than 10 days prior to the poll closing.
  - At least two advertisements about the upcoming Poll in local newspapers and on the Council's website with the last advertisement a minimum of three days prior to the poll closing. Other methods to inform eligible voters of the upcoming vote, such as social media, face-to-face meetings, email, fax or newsletters may be used.
- 2.4.7 All BID polls are run as postal ballots. The period between the mail out of the ballot papers and close off for return of ballots must not be less than 14 calendar days.
- 2.4.8 The Returning Officer will send out a pack including the information sheet, the ballot form, the contact update form and a prepaid return envelope. Any requests for replacement ballots should be directed to the Returning Officer.

- 2.4.9 Proxy voting is not permitted for BID polls. Registered voters who will be absent from their registered addresses during the period of the Poll but who wish to vote, should provide a forwarding address to the BID proponents.
- 2.4.10 The Returning Officer will receive, count and verify all returned ballot papers. It will then report the result of the poll to the BID proponent and the Council.
- 2.5 The final decision about whether to establish, extend, reduce or disestablish a BID is made by the Council because, under the Local Government (Rating) Act 2002, it is the Council alone that can set the targeted rate. In making that decision, the Council will take into account, but will not be bound by, the BID Poll result.
- 3. Set up of an Approved BID**
- 3.1 If the Council approves setting up a BID, a Business Association must be established and registered as an incorporated society and evidence of registration provided to the Council (refer to [www.societies.govt.nz](http://www.societies.govt.nz) ).
- 3.2 The Council will not approve a targeted a rate without evidence that the BID Association is an Incorporated Society as at 30 June of the given year.
- 3.3 As part of the incorporation process, a constitution (which is called Rules) must be lodged with the Incorporated Society Register.
- 3.4 Any changes to these Rules must be approved by the Council.
- 3.5 No subsequent changes may be made to the Rules without Council approval.
- 3.6 The BID Association will establish an Executive Committee consisting of a minimum of 5 voting members and up to 9 voting members, 3 of whom are appointed by the Council.
- Those members of the Executive Committee appointed by the Council are not required to be members of the BID Association and will be selected based on skills required to enable the Executive Committee to carry out its role;
  - Executive Committee members serve a term of two years and must not serve more than three consecutive terms;
  - The Chairperson of the Executive Committee serves a term of two years;
  - The Chairperson must be a member of the BID Association and is voted by the Executive Committee members at its first committee meeting;
  - The Chairperson may serve more than one term;
  - The Executive Committee must meet at least six times per year;
  - A quorum for any Executive Committee meeting requires a majority of BID Association members to be present;
  - Decisions are by majority vote;
  - No remuneration will be paid to members of the Executive Committee;
  - A BID Manger must be appointed by the Executive Committee and they do not have any voting rights.
- 4. Inaugural Annual General Meeting (AGM)**
- 4.1 Following Council approval of the BID, an AGM must be held within 4 weeks of the Poll. Registered voters on the Register of Eligible Voters must be notified of:
- The date and place of the first AGM of the BID Association.

- Their opportunity to nominate individuals to the BID Executive Committee, and how to do this.
  - Their opportunity to view the proposed BID Association Rules.
  - Their opportunity to study the proposed BID Association budget and Annual Programme.
  - The proposal which was presented to Council regarding establishment of the BID.
- 4.2 Nominations for positions on the BID Executive Committee must be made in writing, signed by two registered BID members, and the nominee themselves. These should be delivered to the specified receiving office identified in the publicity about the AGM. Nominations will close three days before the scheduled date of the AGM.
- 4.3 The inaugural AGM will be chaired initially by a Council staff member assigned to the BID. The process for the inaugural AGM must include:
- The election of an Executive Committee.
  - Approval of the proposed Rules.
  - Approval of the proposed budget and targeted rate.
  - Approval of the proposed Annual Programme.
  - Approval of the Strategic Plan.
- 4.4 Subsequent AGMs will operate as set out in the BID Association Rules.
- 4.5 Decisions at the AGM are by majority vote of the assembled BID Association members present at the AGM.
- 4.6 The Council must be informed of the elected officers and their contact details.
- 5. Membership rights and responsibilities**
- 5.1 Membership of the BID Association is automatic for any eligible voting business within the BID and the Register of Eligible Voters is the BID Association's membership register. Membership entitles the individual member to:
- Attend and vote at all annual and special general meetings.
  - Attend all meetings of the BID Executive Committee (but not vote).
  - Stand for election to the BID Executive Committee.
  - Receive regular communications about BID activities.
  - Receive notification of upcoming meetings and agenda items.
- 5.2 Members must ensure that their contact details are kept current on the register.
- 5.3 Businesses outside the BID are eligible to apply for associate membership and are required to pay an annual membership subscription as determined by the Executive Committee.
- 5.4 Associate members have no voting rights within the BID Association.
- 6. BID Funding**
- 6.1 Once confirmation of incorporation has been received from the Registrar of Incorporated Societies, the BID Association can apply to the Council for a targeted rate in its BID. This application cannot be made until the BID Association has held its AGM meeting.

- 6.2 The purpose of the targeted rate is to fund the revenue required by the BID Association to enable it to deliver the Annual Programme approved by the BID Association members.
- 6.3 The BID Association must present the following information to the Council to support its application for a targeted rate:
- Evidence of a mandate (report from the Returning Officer).
  - Evidence of incorporation (Registrar of Incorporated Societies).
  - The agreed BID boundaries.
  - The approved budget that identifies the revenue required to carry out the Annual Programme (AGM Minutes).
  - The approved Annual Programme (AGM Minutes).
  - The Strategic Plan (AGM Minutes).
- 6.3 The Local Government Act 2002 and the Local Government (Rating) Act 2002 gives the Council authority to set a targeted rate for an activity such as a BID. The Council will make the final decisions on what targeted rate, if any, to set in any particular year (in terms of the amount and the geographic area to be rated).
- 6.4 Council will each year set the targeted rate as part of its Funding Impact Statement and Rate Resolution.
- 6.5 A BID Association will be funded by a targeted rate, rated by the Council each year and the full amount collected by the Council passed onto the BID Association in the form of a grant paid quarterly.
- 6.6 BID targeted rate will be calculated on a combination of a uniform basis flat charge and a targeted rate on a capital value basis for each rating unit or SUIP of a rating unit within the BID (the BID Formula) and will be adjusted each year by the inflation rate adopted by the Council.
- 6.7 New properties, within the BID area, coming into that area will be rated in the next financial year.
- 6.8 The financial year of any BID will be 1 July to 30 June.
- 6.9 Payment of the targeted rate must be separately accounted for in the BID Association's financial records.
- 6.10 Any request by the BID Association for an increase in revenue must be submitted to the Council by December in preparation for the financial year commencing the following 1 July with the following information:
- The Annual Programme identifying where the additional revenue is required and how this programme will achieve the BID Association's strategic plan.
  - The budget providing details of the additional revenue required.
  - Evidence of support from BID Association members (AGM Minutes).
- 6.11 In addition to the targeted rate, the BID Association may raise funds through other mechanisms, including sponsorship, advertising and grants.
- 6.12 The Council may contract the BID Association to carry out services on its behalf and/or enter into a service level agreement.

## **7. Adjustments to the BID Boundary Area**

- 7.1 A decision to change the boundary area of an approved BID must be made by the Council.
- 7.2 A proposal to change a boundary area can be made at any time but no decision can be made on a proposal until all eligible voters within the boundary area affected are polled.
- 7.3 If the proposal is for a boundary extension, only the property owners and occupiers in the proposed extension area are polled.
- 7.4 The BID will pay for any further polls to adjust the boundary.
- 7.5 The process for polling is that set out in clauses under 2.4 above.

## **8. Disestablishment of a BID**

- 8.1 The Council may disestablish a BID at any time and is not required to conduct a Poll.

## **9. Management and Performance Accountability**

- 9.1 The Executive Committee will act as the BID Association's interface with the Council and is responsible for running the BID in accordance with this policy and the approved Strategic Plan and budget.
- 9.2 The BID Association and Council will at all times communicate with each other in such a way as to most effectively further the strategic objectives of the BID Association members and to protect and enhance the partnership relationship between the BID Association and the Council.
- 9.3 An appropriate Council General Manager will be responsible for the BID Association relationship and will appoint a one point of contact staff member for the relationship interface.
- 9.4 The Executive Committee is expected to produce a strategic plan every three years which:
  - Reflects a representative view of the BID members.
  - Describes how the Plan will contribute to achieving the purpose of the BID as set out in clauses 1.1 to 1.7 of this policy.
  - Describe how the Plan will contribute to any Council strategic aspirations, plans or projects relevant to the BID area.
  - Include effective measures of performance that enable objective evaluation of delivery against the outcomes of the Plan and the performance of the BID Association over the three year period.
- 9.5 The Executive Committee must present an Annual Programme and Budget to the Council by 1 March of each year for the following financial year.
  - The Annual Programme sets out in detail the projects and work the BID Association intends to undertake in the following financial year. It must align with the BID Association's strategic plan as in clause 9.4.
  - The budget will be used to determine the overall level of the targeted rate and any requests for additional funding must comply with clause 6.10. The partnership between Council and the BID Association includes ensuring prudent use of any BID funding.

- Effective measures of performance that the success of the annual programme and which demonstrate a relationship to the Association's strategic plan outcomes must be included.
  - The Annual Programme will also include measures of performance for the BID Executive Committee and management.
- 9.6 Measures of performance for both the Association's Strategic Plan (3 yearly) and Annual Programmes (annually) will be established in consultation with the Council in the form of key performance indicators (KPIs).
- 9.7 Council and the BID Association will agree data sources for KPIs included in the Strategic Plan and Annual Programmes as well as their respective responsibilities for data collection and data reporting.
- 9.8 The agreed performance measures must cover the economic performance of the BID and public and business perceptions of the BID identity against baseline measures (trend data). They will also include KPIs related to specific BID projects and activities. KPIs may include but are not limited to:
- BID contribution to central city GDP.
  - Total retail spend.
  - Type and number of businesses.
  - Number of employees.
  - Perceptions of safety.
  - Shopper/visitor satisfaction surveys.
  - Commercial rents.
  - Vacancy rates.
  - Visitor numbers (local, regional and overseas).
  - Pedestrian activity.
  - Economic impact assessment of events held in the BID.
  - Number of new businesses attracted to the BID.
  - Positive media (print, radio, social) coverage of the BID.
- 9.8 The BID Association must publish an Annual Report on its financial and strategic performance each year in August.
- 9.9 Council will review the performance of the BID against the stated strategic plan, KPIs, audited accounts and Annual Report. In August each year, the Executive Committee must provide the Council with a copy of the audited accounts and Annual Report for the previous financial year (including statements that the Association has acted in compliance with its Rules and all other relevant laws and regulations).
- 9.10 Where the Council has concerns with the progress or success of a BID, the grant from the targeted rate may be withheld until specific improvements or alterations have been made to the Annual Programme, business and strategic plans, or implementation processes.
- 9.11 The Council may initiate a review of all or any particular BID programme at any time.
- 10. Dispute Resolution**
- 10.1 The Council has the final decision about whether or not to set a targeted rate, the amount of that targeted rate, whether to provide for an additional rate or alter the boundaries of the area subject to the rate, and whether or not to establish, disestablish, reduce or extend the BID.

- 10.2 If there is a dispute about other matters the BID Association and the Council will attempt to resolve their dispute through mediation sharing the costs of mediation equally. If the dispute is not resolved, either party may refer the dispute to Arbitration in accordance with the Arbitration Act 1996. The award in the arbitration will be final and binding on the parties.
- 10.3 Disputes between BID members (ONR) and the BID Associations will be settled in accordance with the following procedure:
- Unless matters can be resolved quickly and informally, ONR are obliged to bring their concerns to the attention of the BID Association's Executive Committee in writing. An initial written response is required within seven working days, outlining the manner and the time frame in which the concerns will be addressed. Council as major fund provider should be made aware of any such issues.
  - Having exhausted reasonable means of resolving the dispute, the BID Association may appoint a mediator to enable the parties to settle the dispute. If the dispute is not resolved within a further 30 days after appointment of a mediator, any party may then referred the dispute to arbitration in accordance with the Arbitration Act 1996. The award in the arbitration will be final and binding on the parties.

DRAFT

**Committee:** Business and Investment  
Subcommittee

**Date:** 21 April 2016

**Report Name:** General Manager's Report

**Author:** Kelvyn Eglinton

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Hamilton Plan, Central City Transformation Plan (CCTP), Economic Agenda</i>
<b>Financial status</b>	<i>There is not budget allocated</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendation is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

- To provide the Subcommittee with an update on the Hamilton-Waikato Business Hub.

## Recommendation from Management

That the Report be received.

## 3. Attachments

- There are no attachments for this report.

## 5. Business Hub

- The Subcommittee received a report on the Business Hub project at its meeting on 10 March 2016.
- The Business Hub is a project under the regional economic development strategy for Waikato to provide a "one stop shop" of local, regional and national agencies that provide business development services and advice.
- Hamilton City Council is a current project partner and is coordinating the initial stages of the project.
- Other project partners include New Zealand Trade and Enterprise, Waikato Chamber of Commerce, Hamilton & Waikato Tourism, The University of Waikato, Hamilton Central Business Association, Education NZ, and Te Puni Kokiri.
- Project milestones and deliverables have been forwarded to MBIE for their approval and the appointment process for a Project Manager to deliver to the project plan is underway.

11. The Project Manager will work with existing and prospective project partners to determine the service offering, governance, operating and cost models, and revenue streams to allow for a determination to proceed by end July 2016.

## 12. Financial and Resourcing Implications

13. Nil

## 14. Risk

15. Nil

### Signatory

Authoriser	Kelvyn Eglinton, General Manager City Growth
------------	--

## Resolution to Exclude the Public

### Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Business and Investment Subcommittee Public Excluded Minutes 10 March 2016	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Business and Investment Subcommittee Action List - Public Excluded - 21 April 2016	)	
C3. Arts Post Land Update		
C4. Sonning Carpark Land - Development Site Update		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)