

Partner	Roles	Policy Operating Standards reference
<p>b) Local board representative on business association board</p>	<ul style="list-style-type: none"> • Providing feedback to the business association at the annual BID programme reporting and alignment workshop/meeting/presentation with the local board • Various roles relating to dealing with BID programme problems • Seeking alignment between relevant local board activities and BID programmes activities. <p>The local board representative appointed to liaise with a business association operating a BID programme ensures there is a direct link between Auckland Council and the operation of the BID programme. Key principles include:</p> <ul style="list-style-type: none"> • The business association may invite the appointed local board member onto its board and decide whether they having voting rights or not⁴ • Only the appointed local board member has the responsibility to participate in the association board governance and the business of the BID programme. <p>Suggested local board representative roles:</p> <ol style="list-style-type: none"> 1. Provide updates to the business association on Auckland Council activities, plans and projects. 2. Communicate to other local board members and the economic development/business portfolio holders (where relevant) on activities undertaken by the business association operating the BID programme. 	<p>Section 2.2</p>
<p>c) Economic Development (ED) portfolio holder (local board member)</p>	<p>The ED portfolio holder's role is to liaise with the local board representative on the business association board to understand how BID programme activity contributes to local economic development.</p>	
<p>Auckland Council (organisation) and council-controlled organisations (CCOs), including:</p>	<p>Responds to requests for service relating to BID programmes:</p>	
<p>a) The BID programme team</p>	<p>Overview of the Auckland BID Programme on behalf of Auckland Council, including programme development and governance and accountability of individual BID programmes, as outlined in this policy.</p>	<p>Section 2.5</p>

⁴ It is recommended that this member is not given voting rights, to avoid any conflicts of interest (real or perceived) or disputes between the local board and the business association board. However, if the local board member and business association are comfortable that these risks can be managed and consider that voting rights will add to creating a collaborative relationship, this policy does not prevent this from happening.

Partner	Roles	Policy Operating Standards reference
b) Auckland Tourism Events and Economic Development (ATEED)	<p>ATEED's mission is to improve New Zealand's economic prosperity by leading the successful transformation of the Auckland economy.</p> <p>ATEED's predominant activity with BID programmes is mainly at an individual company level. ATEED has a role to advise local boards on local economic development matters. This may include the development of projects and initiatives that directly or indirectly involve BID programmes.</p>	
c) Auckland Transport (AT)	<p>Auckland Transport is responsible for all of the region's transport services (excluding state highways), from roads and footpaths, to cycling, parking and public transport.</p>	
d) Other council and CCO services (not an exhaustive list)	<p>The following services are provided by Auckland Council that directly affect BID areas:</p> <ul style="list-style-type: none"> • Major regional sporting, performing arts and arts facilities (Regional Facilities Auckland - CCO) • Urban regeneration (Panuku Development Auckland - CCO) • Development and maintenance of community facilities, parks and reserves • Land-use planning and zoning • Processing of consents and licences • Development and implementation of bylaws • Community empowerment (working closely with the local boards). 	

2.0 Partners and roles

This section of the Policy Operating Standards contains operational detail to help support key roles outlined in Part 1 - Policy Principles.

2.1 Local boards (Principle 9 and Table 1)

While local boards have been allocated decision-making responsibilities regarding BID programmes in their area, the priority should be to focus on creating a collaborative and positive relationship between a local board and a business association operating a BID programme.

2.2 Local board representative on a business association board (Table 1)

The local board representative to a business association operating a BID programme ensures there is a direct link between Auckland Council and the operation of the BID programme.

Local boards are encouraged to work directly with business associations in selection of the local board committee representatives.

This member is **not** there to deal with, or answer, every question relating to Auckland Council services i.e. is not the go-to person for maintenance/street cleaning etc.

2.3 Business associations – board responsibilities (Table 1)

A business association operating within the BID Policy (2016) is an independent legal entity. It is registered under the Incorporated Societies Act (1908) and has reporting and accountability requirements which relate to that Act (and any subsequent review of the Act).

The requirements for business associations operating BID programmes are:

- a) Membership of the BID programme – governed by this policy - (BID affiliates) – all business ratepayers and businesses/occupiers who qualify as BID eligible voters and pay the BID programme targeted rate (either directly or indirectly) are considered to be affiliates of the BID programme. They are, therefore, entitled to receive all relevant information and communication relating to the development, management and implementation of the BID programme.
- b) Membership of the business association – governed by business associations’ constitution (as an incorporated society) and separate to a) above. To become a member, the applicant must complete an application form, and supply any information the association’s board requires. This membership entitles the member to participate as defined by the association’s constitution, in all aspects of the organisation management and running of the business association. The membership qualification (providing AGM/SGM voting entitlement) of a business association operating a BID programme if the person:
 - Owns one of more commercially rated properties within the BID programme targeted rate area; or
 - Trades within of one or more properties within the BID targeted rate area.

For both the above the occupier or tenant may be asked to provide evidence confirming the business is trading and operating from a commercially rated property within the BID programme targeted rate area. Evidence showing the business trading address could include one or more of the following: Companies Office register, NZ Business Number, lease agreement or some other proof such as the Yellow Pages, a Facebook page or website that confirms that the business is trading from that address, an invoice or bill from a utility provider or bank statement. Note: the onus rests with the business occupier to provide sufficient proof and the final decision regarding membership rests with the business association.

- c) All BID affiliates must have access, in the interest of transparency and accountability, to **all** relevant information relating to the decision-making and operation of the BID programme
- d) Equity of representation - the business association must ensure its board is representative of its membership base. This ensures appropriate levels of representation for differing sectors that make up its membership base. This also relates to circumstances where a BID programme board has a number of representative members, who are given delegated authority

to act on behalf of BID programme members. If a number of representative members trade or work outside the BID programme boundary, this may cause a perception that the board is overly-represented by members from outside the area. In these circumstances the business association will need to ensure that the rationale for this is clear, documented (including proof of delegated authority) and any references to representative members (for example in board meeting minutes and on the business association's website) clearly refers to the BID programme member they represent. Rules governing board representation should be outlined in the business association's constitution (see j) below).

- e) Clarity of roles – there should be a clear differentiation between the governance and the management of the business association. Typically, the board is responsible for governance, strategic direction and goal-setting. Managers, or other agents utilised by the association, are responsible for regular reporting to the board concerning these goals and their achievement.

In some smaller business associations, the board may be involved in practical activities that contribute to the achievement of the organisation's goals.

- f) The development of a board charter (incorporating the management of conflict of interest situations and identification of risks) is mandatory for each business association operating a BID programme. This should include the process for the board to manage and deal with conflicts of interest at each board meeting, including the development of a conflicts of interest register and identification of risks through the development of a risk register (produced quarterly as a minimum requirement). See table 3 for further definition and resolution of conflicts of interest.
- g) Alignment between the BID programme and local board plans – each business association operating a BID programme is encouraged to work with their local board(s) to develop objectives, projects and or services that align with each other's strategic and business plans.
- h) Section 3.1 of the Policy Operating Standards describes key performance indicators suitable for a business association. KPIs must form part of business associations' annual and strategic planning documents. The achievement of these, and the reporting against them are key deliverables of a BID programme.

- i) It is a requirement of this policy that individual business associations fulfil all requirements of the Incorporated Societies Act (1908) and any subsequent review.
- j) Constitution – the constitution is the overarching document that sets out the roles and responsibilities of a business association. It is a separate document from this policy. A copy of the current constitution for each business association is available from the website www.societies.govt.nz :
- The constitution defines the business association’s rules relating to associate members, honorariums, number of board members, quorums and membership qualification
 - **Business associations operating a BID programme must ensure their current constitution document is not inconsistent with this policy**
 - None of the rules of the business association affecting the BID programme or grant funding shall be altered without prior written approval of Auckland Council
 - Auckland Council provides a template constitution.
- k) Comply with other legal requirements, including those relating to an employer (if relevant).
- l) This policy and BID programme agreement – business associations operating BID programme must meet all requirements of this policy and BID programme agreement (**Appendix 1**).
- m) Use of the BID programme targeted rate grant by the business association – Auckland Council requires the following conditions to be met by the business association, in regards to the annual BID programme targeted rate collected on its behalf. The targeted rate must be:
- Applied only to actions identified as being funded by the BID programme targeted rate grant in the BID programme strategic or annual business plan;
 - Appropriately accounted for by mechanisms developed by the business association. Care should be taken with internal reporting processes relating to the receipt and expenditure of the BID programme targeted rate grant. These processes must be transparent to the board and members. These processes **will** be reviewed as part of the annual audit requirements.

- n) Regular reporting – Table 1 refers to regular reporting requirements required by business associations as part of the BID programme.
- o) AGM – must be held within the period of 4 months after the expiration of each financial year. Note: the business association's financial year must be aligned with Auckland Council's financial year (1 July to 30 June).
- p) Business association boards must advise Auckland Council where there are breaches of the business association's constitution, including (not an exhaustive list) continued failure:
- To meet constitution board meeting protocols, such as reaching quorum;
 - Around record-keeping, in particular from board meetings and decisions made;
 - To produce monthly financial statements and monthly management reports for the board.

See also Section 4 Problems, Issues and Serious Concerns.

- q) Business associations are required to maintain public liability and professional indemnity insurance (as a minimum) with insured amount relative to their scale of operation.
- r) Other considerations:
1. Charging business association membership fees – council discourages the charging of membership, or any other fee, to members of the business association who already pay a BID programme targeted rate. Care should be taken when considering these fees to ensure they do not hinder membership engagement and inclusion in the processes and goals of the association and BID programme.
 2. Parties with an interest in a BID programme may be located outside of the BID programme boundary. They can play a significant role in assisting the association to meet its goals and aspirations, and can play a big part in the community.
 3. Associate membership - the business association may consider associate members (business entities outside the BID programme targeted rate area) to join, by way of paying a subscription to the business association. Associate members are not entitled to stand for election to the association board, but may be appointed if there is a vacancy. An associate

member is not entitled to vote on any matters relating to the BID programme and BID programme targeted rate income and expenditure. Associate membership must not hold the majority over full membership of the association.

2.4 Business associations – manager, contractor or agency responsibilities (Table 1)

The practical day-to-day management of the business association operating a BID programme usually sits with a manager, contractor or other agency.

The role of the manager (contractor or other agency) is to progress projects and initiatives as per the business plan and strategic plan. These roles can be full-time or part-time and are often dependent on the amount of funding the business association has available. It is good business practice to have a clear description of their responsibilities, obligations and the business associations' expectations of the work to be undertaken.

The role of managing a BID programme has evolved to be multi-dimensional. It requires a diverse range of skills and abilities. It is not anticipated that one person will have all the skill sets to do everything required to run a BID programme. There are, however, core skills that the management function must possess be able to undertake activities including:

- Advocacy
- Strategic planning
- Project management
- Relationship development
- Management reporting
- Understanding legal and policy requirements of operating a BID programme and incorporated society.

BID programmes should consider outsourcing or contracting in other specialist skills for activities which include:

- Event management
- Administration
- Marketing and promotion.

The key day-to-day tasks undertaken by BID programme management include:

- a) Implementing the business association's strategic and business plans

- b) Managing and delivering projects
- c) Supporting the business association's governing board to meet all requirements set out in this policy and the association's constitution
- d) Preparing a high quality report for each board meeting on progress against objectives
- e) Assisting the association's treasurer to provide financial reports to each board meeting for its approval and to be documented in the minutes that detail the following:
 - Budget to actual cash flow position at the time of each board meeting
 - Projected expenditure and income budget for the next three months
 - Health and safety register.
- f) Overseeing the maintenance of the database of all BID programme affiliates **and** full members of the business association, as set out in business association's constitution.
- g) Managing and supervising all other staff, including volunteers.
- h) Adhering to the association's code of conduct.
- i) Supporting the business association's board in its responsibility to ensure that all BID affiliates have access to **all** relevant information relating to the decision-making and operation of the BID programme. This includes ensuring that:
 - BID affiliates are aware that they should contact BID programme management regarding all queries, concerns or information relating to the business of the association including the governance or management of the business association;
 - The manager provides newcomers (property or business owners) into the BID programme area with either an induction, or information that outlines the role of the business association and the BID programme and its operation. This process

may also include an invitation to the next business event or board meeting, and an invite to become a member of the association;

- BID affiliates are aware that all queries, concerns or requests for information about the regional Auckland BID Programme, should be directed to bids@aucklandcouncil.govt.nz

2.5 Auckland Council – BID programme team (Table 1)

A new service delivery model operational on 1 July 2016 creates a centre of excellence for the service areas above and it defines the baseline level of service provided to business associations operating a BID programme within the Auckland BID Programme. The service delivery model acknowledges that not all business associations require the same level of service and that the majority of business associations operate effectively as independent organisations.

The team will:

- Assist and support the establishment of new BID programmes
- Process the collection and payment of the BID grants
- Provide support, direction, monitoring and oversight on governance and accountability of the BID programme (including liaison with programme partners when needed)
- Provide customer service interface, including a website dedicated to serving the Auckland BID Programme partners
- Report on BID programmes – to local boards on individual BID programmes and governing body on the overall Auckland BID Programme
- Develop partnerships with internal and external providers that support and provide opportunity to the BID programme.

Note: requests for general services (i.e. not related to the governance or accountability of BID programmes) provided by Auckland Council should be accessed in the first instance from the Auckland Council contact centre (phone and online).