

Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	Yes	4/9/26
Relevant Group Head review	Yes	10/9/26
MAT+ review (to have been circulated at least 5 working days before Stage 2)	Yes	4/9/26
This item is on the Forward Plan for the relevant committee.	Yes	17/6/26
	Reviewed by	
Finance comments (circulate to Finance)	AB	10/09/26
Risk comments (circulate to Lee O'Neil)	LO	10/9/26
Legal comments (circulate to Legal team)	LH	10/09/26
HR comments (if applicable)		

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date rec'd
Monitoring Officer commentary – at least 5 working days before MAT	L Heron	10/09/26
S151 Officer commentary – at least 5 working days before MAT	T. Collier	7/9/26
Commissioner engagement	J.Kingston	9/9/26
		No issues
		09/09/26
Confirm final report cleared by MAT		

Title	Ashford Business Improvement District (BID) proposal
Purpose of the report	To make a decision
Report Author	Chris Norrington
Ward(s) Affected	Ashford Town Ashford Common Ashford East Ashford North and Stanwell South
Exempt	Part-Exempt (Appendix A and E exempt)
Exemption Reason	Appendix A and E contain exempt information within the meaning of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to Information) (Variation) Order 2006 Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest
Corporate Priority	Community Resilience Services
Recommendations	The Committee is asked to: 1. Consider the BID Proposal (Appendix A), Draft Operating Agreement (Appendix B), Draft Baseline Agreement (Appendix C), BID Compliance Matrix (Appendix D), Provisional List of Voting Businesses (Appendix E) and Summary of Consultation and Engagement (Appendix F); 2. Agree not to exercise a power of veto under section 51 of the Local Government Act 2023; and 3. Delegate authority to the Economic Development Manager to confirm to the BID proposer that ballot can proceed
Reason for Recommendation	Reason for Recommendation To enable the Committee to fulfil its statutory role by considering the BID Proposal and supporting documents and determining whether the proposal complies with statutory requirements and aligns with the Council's adopted policies and strategic priorities. Officers have reviewed the BID Proposal and supporting documentation, including the BID Compliance Matrix, and are satisfied that the relevant legislative requirements have been met, appropriate governance and operational arrangements are in place, no grounds have been identified to justify the exercise of the Council's veto powers, including policy conflict, disproportionate financial burden, or concerns regarding deliverability. The Committee is invited to consider this assessment and determine whether the proposal should proceed to ballot.

1. Executive summary of the report

What is the situation	Why we want to do something
• A Business Improvement District (BID) proposal for Ashford town centre has been developed by a business-led Steering Group, with support from the Council and engagement with local businesses. • The Steering Group has prepared the documents required to enable a BID ballot, including the BID Proposal and supporting agreements.	• The BID proposal has now reached the stage where a decision is required on whether it can proceed to a ballot of eligible businesses. • Officers have reviewed the proposal and supporting documents
This is what we want to do about it	These are the next steps
• The Committee is asked to consider the BID Proposal and supporting documents and determine whether it is satisfied that the proposal complies with the relevant legislative requirements, aligns with Council policy, and that no grounds have been identified to justify the exercise of the Council's veto powers, before determining whether it should proceed to ballot.	• Subject to the Committee's approval, eligible businesses within the proposed BID area will be invited to vote on whether the BID should be established. • The ballot is scheduled to commence in November 2026 and close in December 2026, with the result declared by the Council on 21 December 2026.

2. Key issues

BID Compliance with Statutory Requirements

- 2.1 The Council is required to review the BID Proposal and supporting documentation before a BID ballot can take place. As the billing authority, the Council must be satisfied that the proposal complies with the requirements of Part 4 of the Local Government Act 2003 and the Business Improvement Districts (England) Regulations 2004. Officers have undertaken this review, and the detailed assessment is set out in the BID Compliance Matrix (**Appendix D**).
- 2.2 The law requires a valid BID Proposal to be in place before a ballot can proceed. Officers have reviewed the BID Proposal (**Appendix A**) and are satisfied that the required proposal has been prepared and contains the information prescribed by legislation. Further detail is provided in the BID Compliance Matrix (**Appendix D**).
- 2.3 The law requires the BID Proposal to include prescribed information, including the BID area, governance arrangements, projects and levy arrangements. Officers have reviewed the Proposal and are satisfied that the required information is included within the BID documentation. Evidence of compliance is set out in **Appendix D**.

- 2.4 The law requires arrangements for the collection, administration and accountability of BID levy income. These arrangements are set out in the Draft Operating Agreement (**Appendix B**), including levy collection, accounting, reporting and transfer arrangements. Officers are satisfied that appropriate arrangements have been identified.
- 2.5 The law requires evidence that businesses have been consulted and engaged in developing the BID Proposal. Consultation and engagement activity has been undertaken by the BID Steering Group and is summarised in **Appendix F**. Officers are satisfied that appropriate engagement has been carried out.
- 2.6 The law provides the Council with powers to veto a BID in certain circumstances.
- The proposals significantly conflict with existing, formal policies published by the Council.
 - Unjust Financial Burden: The proposed levy places an inequitable or disproportionate financial burden on a particular class of non-domestic rate payers.
 - Inability to Deliver: The burden of the levy is considered unjust or completely unviable.
- 2.7 Officers have considered the BID Proposal, supporting documentation, governance arrangements, financial implications and alignment with Council policies and have not identified any matters that would justify the exercise of those powers.
- 2.8 The law requires the ballot to be conducted in accordance with the BID Regulations. Subject to Committee approval, the ballot will be administered on behalf of the Council, and a provisional list of voting businesses is provided at **Appendix E**.
- 2.9 Officers have reviewed the BID Proposal and supporting documentation against the relevant legislative requirements and are satisfied that:
- the required BID documentation has been prepared in line with relevant legislation;
 - the proposal contains the information required by legislation;
 - appropriate governance, management and delivery arrangements are proposed;
 - arrangements for levy collection and administration have been identified;
 - consultation and engagement have been undertaken with businesses within the BID area; and
 - no matters have been identified that would justify the use of the Council's veto powers.

3. Officer Review

- 3.1 Officers have reviewed the BID Proposal and supporting documentation and are satisfied that the proposal complies with the statutory requirements for a BID ballot. The review has considered the BID Proposal, Draft Operating Agreement, consultation and engagement activity, governance arrangements and levy collection proposals.
- 3.2 The detailed assessment is set out in the BID Compliance Matrix at **Appendix D**. No issues have been identified that would prevent the BID Proposal from proceeding to ballot or which would justify the exercise of the Council's veto powers.

4. Council Policy Compliance

- 4.1 Officers have reviewed the BID Proposal against the Council's adopted policy framework, including:

- Economic Prosperity Strategy 2023-2028
- Corporate Plan 2024-2028
- Transitional Plan 2026-2027
- Community Safety Strategy
- Ashford town centre regeneration objectives

Officers have not identified any conflict between the BID Proposal and these policies. The proposed BID activities are considered consistent with the Council's objectives of promoting a resilient business community, supporting business growth, increasing footfall, improving town centre vitality and promoting partnership working.

4.2 Local Government Reorganisation

The BID has been developed in the context of Local Government Reorganisation.

The Draft Operating Agreement includes provisions intended to support the transfer of responsibilities to the successor authority and provide continuity for the administration of the BID throughout its term.

Officers are satisfied that suitable arrangements have been identified to support this transition.

4.3 Ballot Arrangements

Subject to the Committee being satisfied that the statutory and policy requirements (see 2.6) have been met, the BID Proposal will proceed to ballot in accordance with the Business Improvement Districts (England) Regulations 2004.

The ballot will be administered on behalf of the Council, and a provisional list of voting businesses is provided at **Appendix E**.

Summary

Following review of the BID Proposal and supporting documentation, officers are satisfied that:

- the BID Proposal complies with the relevant legislative requirements;
- the proposal does not conflict with the Council's adopted policies and strategic priorities; Policy conflict, unjust financial burden, inability to deliver the levy, if unjust or unviable.
- appropriate governance and operational arrangements are proposed;
- Local Government Reorganisation has been considered; and
- the proposal may proceed to ballot.

The Committee is invited to consider the BID documentation and the BID Compliance Matrix and determine whether it is satisfied that the proposal should proceed to ballot.

5. Options appraisal and proposal

- 5.1 **Option 1 (Recommended):** The Committee determines that it is satisfied that the BID Proposal (**Appendix A**) should proceed to ballot, having concluded that no significant issues have been identified that would justify the future exercise of the Council's veto powers, including policy conflict, an inequitable financial burden on ratepayers, or concerns regarding the viability of the proposal.

5.2 Benefits:

Enables the Council to fulfil its statutory role in reviewing the BID Proposal (**Appendix A**) prior to ballot.

Provides assurance that the BID Proposal (**Appendix A**) and supporting documentation have been reviewed against statutory, governance and policy requirements.

Enables the Committee to conclude that no significant issues have been identified that would justify the future exercise of the Council's veto powers, including policy conflict, an inequitable financial burden on ratepayers, or concerns regarding the viability of the BID proposal.

Allows the BID process to proceed in accordance with the statutory framework, including progression to ballot.

Enables eligible businesses to determine through a democratic ballot whether the BID should be established.

5.3 Disbenefits:

Time and resources are required to support the Committee in undertaking its statutory review and assurance role.

There is no guarantee of a successful ballot outcome.

5.4 **Option 2:** Committee determines that it is not satisfied that the BID Proposal (**Appendix A**) complies with statutory requirements and/or Council policy requirements and therefore should not proceed to ballot at this stage.

5.5 Benefits:

Enables the Committee to request that identified concerns or areas requiring further clarifications are addressed before the BID process progresses.

5.6 Disbenefits:

Prevents the BID from progressing to ballot within the proposed timeframe.

May delay or disrupt the BID process and associated statutory timetable.

May impact confidence among businesses engaged in the BID development process.

Removes, at this stage, the opportunity for businesses to determine the future of the BID through a ballot

May require additional officer time and resources to address issues identified by the Committee and, where necessary, revise supporting documentation.

6. **Risk Implications**

Risk	Mitigation
Statutory compliance risk	Officers have reviewed the BID Proposal (Appendix A) and supporting documentation against the relevant statutory requirements. The findings of that review are presented to the Committee, together with the BID Compliance Matrix, to assist Members in determining whether the relevant statutory requirements have been met prior to ballot.
Legal challenge risk	The review and decision-making process is supported by clear documentation and evidence, including consideration of statutory compliance, policy alignment and the statutory grounds for exercising the Council's veto powers. Legal advice has been sought as part of the preparation of this report and will be taken into account by the Committee.

Reputational risk	A transparent Committee process has been followed, supported by evidence-based reporting, to enable Members to consider whether the proposal complies with statutory and policy requirements.
Ballot risk	The Committee is being provided with the BID Proposal and supporting evidence to enable informed consideration of whether the statutory and policy requirements have been met before the proposal progresses to ballot.
Financial risk	If the BID ballot is unsuccessful, the Council would still incur ballot administration costs of £3,375 without the BID being established or any associated cost recovery arrangements being realised. This risk is mitigated through extensive engagement and consultation with businesses ahead of the ballot to maximise support and improve the likelihood of a successful outcome.
Delivery and governance risk (post-ballot)	Officers have reviewed the BID Proposal and proposed governance arrangements and are satisfied that they appear realistic, deliverable and supported by appropriate oversight mechanisms.

7. **Financial Implications**

- 7.1 The Council will incur costs associated with administering the BID ballot. The estimated cost of the ballot is £3,375 and provision exists within the current budget. Subject to a successful BID ballot, the Draft Operating Agreement (Appendix B) contains proposed arrangements for the recovery of BID levy administration costs, including a proposed annual levy collection and administration charge of £3,500 and a one-off implementation and system set-up charge of £9,500 payable by the BID Company.
- 7.2 If there is a vote by businesses to establish the BID, West Surrey Council will have a £1,000 per annum levy contribution to pay. Overall businesses in the proposed BID area would pay an estimated £120k in levy in 2027/28 and an additional £5k in voluntary contributions, this is set out in the budget section of Business Plan.

8. **Legal comments**

- 8.1 The Council has the powers under Section 41 of the Local Government Act 2003 and the Business Improvement Districts (England) Regulations 2004 to make arrangements with respect to a Business Improvement District.
- 8.2 The submission of a business proposal and evidence of consultation satisfies the preliminary procedural requirements, but the Committee should ensure that all the procedural, financial, and administrative requirements are met before approving the proposal. If the committee identifies grounds for veto, it must provide a clear and reasoned justification.
- 8.3 The committee must also ensure that the BID ballot is conducted in accordance with the regulations, including eligibility to vote. The Committee should review the

proposed levy structure to ensure it is equitable and does not impose an undue burden on specific classes of ratepayers.

Corporate implications

9. Commissioners' comments

9.1 The commissioners reviewed the proposal and raised no comments.

10. S151 Officer comments

10.1 The S151 Officer confirms that all financial implications have been taken into account. The annual levy of £1500 payable by West Surrey would represent a small Revenue Budget growth item.

11. Monitoring Officer comments

11.1 The Monitoring Officer confirms that the relevant legal implications have been taken into account and subject to compliance with all applicable statutory and legislative requirements the Council has the power to approve the recommendation.

12. Procurement comments

No Procurement involved.

13. Equality and Diversity

The BID Proposal (Appendix A) applies proportionately to eligible ratepayers and has been developed through inclusive engagement. Planned initiatives aim to improve safety, accessibility and the overall town centre experience for businesses, employees, residents and visitors.

14. Sustainability/ Climate Change Implications

The BID provides opportunities to support greener business practices, improve the public realm and promote sustainable town centre initiatives through partnership working and targeted projects.

15. Timetable for implementation

- Statutory notices and ballot arrangements: September 2026
- Ballot papers issued: 18 November 2026
- BID Ballot – Final day: 18 December 2026
- Result announced by the Council: 21 December 2026
- Proposed BID commencement (if successful): 1 April 2027

16. Contact

16.1 Chris Norrington c.norrington@spelthorne.gov.uk

Background papers:

Part 4 of the Local Government Act 2003 (Business Improvement Districts) –
<https://www.legislation.gov.uk/ukpga/2003/26/part/4>

Business Improvement Districts (England) Regulations 2004 –
<https://www.legislation.gov.uk/uksi/2004/2443/contents/made>

Appendices

Appendix A BID Proposal (Exempt)

Appendix B Draft Operating Agreement

Appendix C Draft Baseline Agreement

Appendix D BID Matrix

Appendix E Provisional (List of Voting Businesses) (Exempt)

Appendix F Summary of Consultation and Engagement