

BOARD MEETING

Tuesday 17th November

15:00: Start

17:00: End

1. Welcome

2. Articles of Association / Member Register

3. Discover Yorkshire Coast Proposal

4. Sub-Boards

5. AOB: Record of votes taking place outside of board meetings

Attendees

CRE: Clive Rowe-Evans
KC: Kerry Carruthers
DB: Dean Bullen
MG: Michael Graham
BG: Ben Gilligan
SH: Cllr Shaun Horton
RB: Richard Bradley
MK: Mark Kibblewhite
JD: Janet Deacon
J-D Jo Dooley

Directors Granting Proxies

Mo Driffield
Pete Gibson

Apologies

Mo Driffield
Pete Gibson
Jayne Nendick
John Harding

Invited Attendees

RA: Richard Marcroft
AF: Adrian Fusco

1. Welcome and Director Update

David Bowe: Retired from NYCC and resigned from BID Board

Karl Battersby: Appointed for NYCC – MK still the approved alternative

James Hodgson: Resigned

2.a Member Register

Proposed readmittance of member whom has settled year one and two invoices within the current parameters.

VOTE: All in agreement; including 2 proxy votes

ACTION: KC to update member register



2.b Articles of Association

KC: Reminded directors of outstanding decision relating to member rules and the Articles of Association.

DB: Requested that a more significant window of admittance be made

KC: Requested that such a substantial change as per DB request to the articles affecting members to be referred back to solicitors first prior to a vote commencing as it is outside the scope of how a member should be supporting the company and may have unknown consequences for the company.

CRE: Requested for the item to be added to 1st December board meeting for a full and final vote.

ACTION: KC to liaise with solicitors and add to following agenda



3. Discover Yorkshire Coast Proposal for funding

CRE welcomed presentation by Discover Yorkshire Coast with BID members Adrian Fusco and Richard Marcroft.

Background to the Discover Yorkshire Coast recovery campaign presented by Janet Deacon covering:

- Research
- Proposal
- Delivery Plan
- Campaign Analysis
- Investment

AF: Provided support for the proposal based on the resources which would be made available to all BID businesses. Explained that in addition to having access to assets, the performance analysis of the campaign would be welcomed to see if new markets and customers were reached.

RM: Explained that it was important that the area built on the momentum that come from Summer post lock down. Investment is required to kickstart and drive and ride that momentum and now, it is imperative more people are encourage to visit the coast. Supportive of the assets as the BID is clearly buying something that businesses can use, however, DYC must be held accountable for value for money.

SH: Requested clarity on how the £70,000 BID investment would be spent.

CRE: Confirmed that the funds would be allocated from area funds:

The costs can be split across the BID year two and three

Costs Year 1	Year 2 (Sept 2021)	Total
£35,000	£35,000	£70,000

BID and business would have access and be able to use the marketing materials produced
Financial split by area based on the revenue billed in the Scarborough Borough area:

Whitby:	19%	£13,300
Scarborough:	61%	£42,700
Filey:	6%	£4,200
Villages:	14%	£9,800

SH: Confirmed that ERYC use their own budgets for marketing and have not looked at coming to the BID. All elements for the campaigns, inclusive of photography, imagery films, are covered.

JD: Confirmed campaign would go live when it was safe to encourage visitors and that any photography required around walking and cycling could be included within the brief. In addition, the Council have contributed £109,000 so the BID funds will be to cover specifically the asset library which businesses will have access. JD went on to explain that the reason for approaching the BID for funding is due to historically, DYC not having budget for destination marketing.

Following further discussion, CRE reiterated that any funding provided to a local authority must be based on the project being new, or adding significant value to a service in existence and it is for the board to assess this.

DB: Requested: Breakdown of the £70,000 requested and queried why the DYC campaign could not proceed without BID funding; stressing that new imagery would have to be factored into any campaign.

JD: Confirmed that without BID funding there would not be as an extensive image/video library that businesses could use.

BG: Requested clearer funding breakdown to be able to assess value for money.

KC: Requested confirmation that the assets would be unbranded, quantity of the asset library and access to all visitor stat information from baseline to post campaign analysis.

JD: Confirmed: Assets will be available unbranded, provided detail of the quantity and confirmed the BID will have access to all of the stats.

MG: Questioned when the campaign will start to best capture the area and how long the filming/photography will last

JD: Confirmed: 2 years

DB Questions posed to SBC: Can this campaign be extended to a joint campaign with ERYC and will councilors reject the funding.

RB: Confirmed the difference for the board of the roles of elected members, officers and directors; including stressing that the directors can only make information based on the facts in front of them, not potential scenarios.

JD & SH: Confirmed that each DMO is working independently and not looking at entering joint campaigns.

Adrian Fusco and Richard Marcroft left the meeting

CRE: Confirmed that the vote will be moved to the next meeting to provide JD the opportunity for providing a full financial breakdown of the £70,000 so the directors can review in further detail.

4. End of Year Accounts

Vote: All in acceptance; inclusive of two proxy votes

5. Sub Board: **PASSED: 100% IN FAVOUR**

Proposal discussed in greater detail and the following conditions were requested to be included prior to the vote taking place:

- Sub-board to be reviewed in 12 months
- Sub-board to be a fair representation of BID members throughout the town
- Sub-board to be trialled in Scarborough
- Sub-board directors to work direct with KC

Abstain: 1

For: 6. (Including 2 proxies and 3 Public Sector)

Against: 0

6. Communication

CRE: Requested the board to look at the full summary and for the larger discussion to take place at the next board meeting.

AOB:

Record of board votes taken place outside of the board meeting which could not be registered for record within the non-quorate October 2020 meeting

8-9.10.2020: Online: **PASSED: 65.27% IN FAVOUR**

Scarborough Gift Card Proposal:

COI Registered: RB

Abstain:

For: 7 (Including 3 Public Sector)

Against 3

18-19-9.10.2020: Online: **PASSED: 84.79% IN FAVOUR**

Scarborough Christmas High Street Activity

For: 8 (Including 2 Public Sector)

Against: 1

Abstain: 2

AOB Continued

8-19-9.10.2020: Online: **PASSED: 84.79% IN FAVOUR**
Scarborough Christmas Lighting

For: 8 (Including 2 Public Sector)
Against: 1
Abstain: 2

Record of board votes taken place outside of the board meeting which could not be registered for record within the non-quorate October 2020 board meeting

1-25.10.2020: Online
YCBID Year two levy

Note from Chair, CRE

Since March 2020 the board made the decision to try and identify a legal way of removing the year two levy and/or identify an opportunity to discount it. There has been much debate publicly that such a decision can be made by the company directors with little understanding that for BIDs to be able to create a levy for an area that a) they must abide by the BID (England) Regulations 2004 and b) the local authorities are also bound to collect and recover the levy as per the BID (England) Regulations 2004 and therefore, as the debt is owed to the authority the BID cannot insert itself into the collection process.

Therefore while the board of directors of the company can pass motions and request that amounts are discounted it is the local authorities who are required to replace the funding so that the BID is able to fulfil its objectives.

As such, Yorkshire Coast BID Ltd has been involved in local and national lobbying with other BIDs to ask of the government to provide both with the powers to do so, without the need for alteration ballots which are costly and to be used for minor adjustments only.

There has been no resolve on this matter and in July 2020 the board requested the local authorities to place recovery and enforcement concerning the year two bills on hold for a period of six months to provide additional time to review this matter.

BIDs around the UK which have been established for longer periods of time have enacted legal mechanisms within their business plans to provide discounts on their levy of up to 25% where they have been able to bring in additional revenue to cover such shortfalls but this is not a position Yorkshire Coast BID Ltd is in.

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However, in November, the board, following advice from the company solicitors and national BID institutions and agencies, voted on the options available to them so that clarity could be provided to businesses in advance of the deferral period ending in February 2021.

These included.


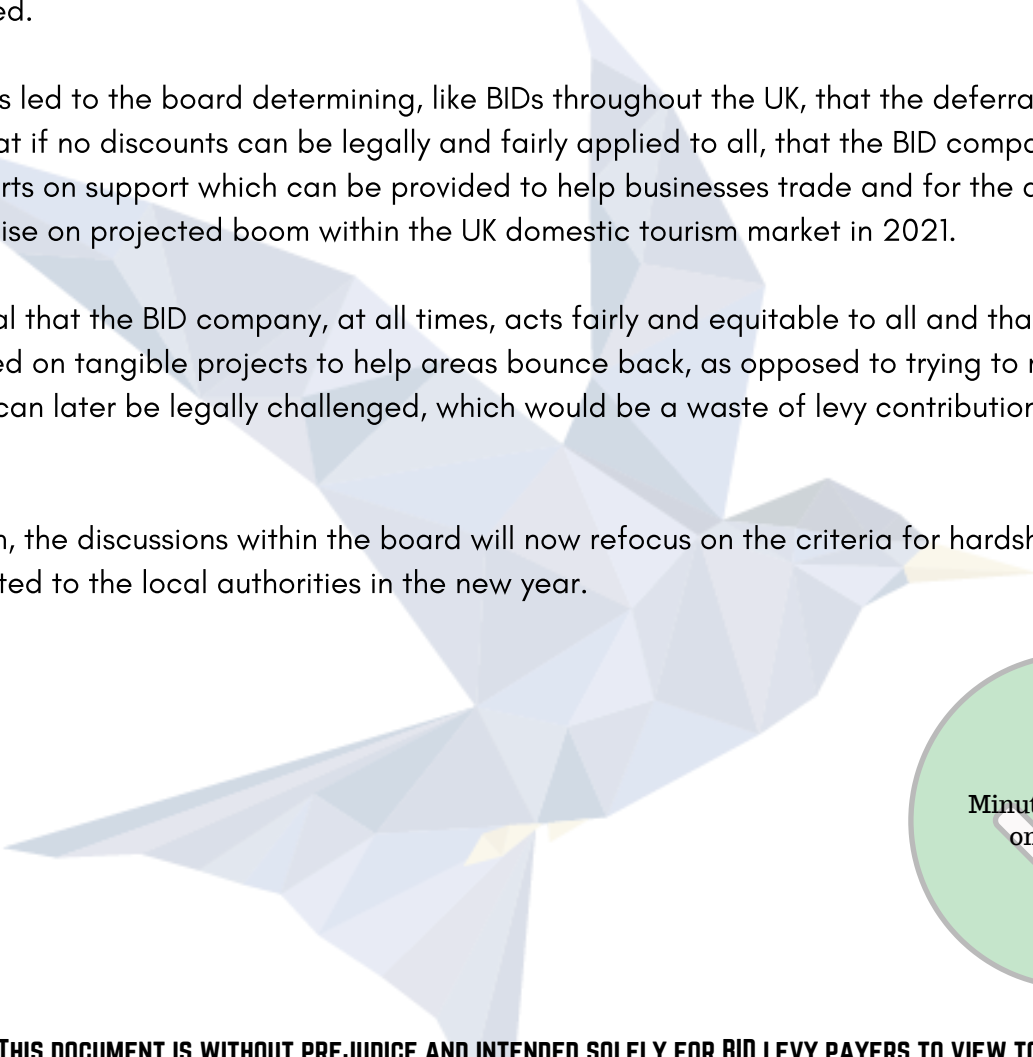
- 1) Maintaining the deferral and the subsequent introduction of a hardship write off prior to any enforcement taking place.
- 2). Using a mechanism that recognised the value of committed projects which moved into 2021 due to COVID-19 to reduce the levy by 25%
- 3) An alteration ballot that would only provide relief to specific businesses that were not trading throughout the four month period.

No options were ideal as they leave businesses of different sizes and sectors disproportionately affected, or the “relief” provided by a 25% discount was deemed to not go far enough for those that were most affected.

This has led to the board determining, like BIDs throughout the UK, that the deferral should be maintained and that if no discounts can be legally and fairly applied to all, that the BID company should now refocus its efforts on support which can be provided to help businesses trade and for the area to prepare itself to capitalise on projected boom within the UK domestic tourism market in 2021.

It is vital that the BID company, at all times, acts fairly and equitable to all and that all efforts should be focused on tangible projects to help areas bounce back, as opposed to trying to manipulate regulations which can later be legally challenged, which would be a waste of levy contributions that businesses have made.

As such, the discussions within the board will now refocus on the criteria for hardship so that this can be presented to the local authorities in the new year.



Minutes accepted
on 12.1.2021