

TONBRIDGE & MALLING BOROUGH COUNCIL
ECONOMIC REGENERATION ADVISORY BOARD

17 July 2013

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 BUSINESS RATES – LORD HESELTINE REPORT

A paper giving details of one of the recommendations contained in Lord Heseltine's Report entitled "No Stone Unturned: In Pursuit of Growth".

- 1.1 Lord Heseltine's report made a series of recommendations aimed at unleashing the potential of local economies and promoting growth. Recommendation 65 of the report stated:

'Local authorities should publish the list of all businesses paying non-domestic rates so that chambers and other business representative bodies can identify businesses in their area more reliably, and seek to draw them into the local business support infrastructure.'

The full report can be found at: <https://www.gov.uk/government/publications/no-stone-untuned-in-pursuit-of-growth>

- 1.2 The Government has said that it sees the benefits of publishing lists of business occupiers and therefore agrees with the intention of Lord Heseltine's recommendation. It also recognises that many councils will already be publishing that information and that *decisions on that are best made at a local level, taking into account local circumstances (my italics)*. It is therefore urging all authorities to take note of Lord Heseltine's recommendation and to consider the benefits of publication in their area.

- 1.3 The terms of reference of the your Board include the following:

"Help to foster business networking via an online business directory".

As such, it appears appropriate that your Board should consider the recommendation made in Lord Heseltine's report.

- 1.4 It appears to me that the online publication of a list of businesses would be beneficial, as my staff do receive requests for such information. However, if we

wish to publish such a list, we need to be aware of data protection issues. I do not see a problem except in the case of sole traders, where the publication of the information might identify an individual. In such cases, it has been suggested by the Government that, if we wish to publish, we should obtain the positive consent of the individual. I agree with that advice.

1.5 To minimise the burden of obtaining consent from individuals, we could advise all businesses, through the billing process, of what we intend to do and seek consent by way of a return email. I would be reluctant to carry out such an exercise now, bearing in mind the current workload in my Revenue Section. An alternative approach, which I believe is preferable, would be to publish, now, a list of all businesses where we have names of non-individuals and address, at a later stage, the issue of obtaining consent from individuals to publication.

1.6 **Legal Implications**

1.6.1 None other than as outlined above.

1.7 **Financial and Value for Money Considerations**

1.7.1 None

1.8 **Risk Assessment**

1.8.1 There is a risk that we could be criticised for not publishing.

1.9 **Equality Impact Assessment**

1.9.1 See 'Screening for equality impacts' table at end of report

1.10 **Recommendations**

Members are **REQUESTED** to **RECOMMEND** to Cabinet that:

- 1) we publish immediately a list of businesses, excluding those in the names of individuals, liable to non-domestic rates in the Borough; and
- 2) obtain, in due course, consent to publication from individual traders.

The Director of Finance and Transformation confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

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Director of Finance and Transformation

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	Not relevant as the report relates to businesses.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	Not relevant as the report relates to businesses.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.