

## **EXECUTIVE NOTE**

### **The Business Improvement Districts (Scotland) Amendment Regulations 2007 S.S.I. 2007/510**

The above instrument is made in exercise of the powers conferred by section 46 of the Planning etc. (Scotland) Act 2006 and of all other enabling powers. This instrument is subject to the negative resolution procedure.

#### **Background**

Legislation was passed by the Scottish Parliament earlier this year to enable the establishment of Business Improvement Districts (BIDs) in Scotland. A BID is, put generally, a partnership between local businesses, engaging with their local authority, with the aim of transforming their area by creating a better business environment and promoting economic growth. There are currently 6 BID pilot projects in Scotland (Bathgate, Clackmannanshire, Edinburgh, Falkirk, Glasgow, and Inverness).

#### **Policy Objective**

The purpose of this instrument is to make two minor technical amendments to Schedule 2 to the Business Improvement Districts (Scotland) Regulations 2007 (S.S.I. 2007/202) to (a) clarify a timing and correct a drafting error in the procedure for holding a BID ballot, and (b) make a minor change in relation to the address for service of ballot papers.

The first amendment clarifies that the ballot date shall be at least 42 days, and no more than 90 days, after the publication of the notification of the ballot. Prior to the amendment, there was an inconsistency between the requirement in paragraph 3(a) of Schedule 1 that notice of the ballot be published at least 42 days in advance of the ballot, and paragraph 2(1)(c) which required that the ballot be held not less than 56 days after that notice is published. The amendment corrects this drafting error to reflect the existing policy that a ballot should be held not less than 42 days, or more than 90 days, after the publication of the notice required by paragraph 3(a).

The second amendment allows ballot papers to be sent to business addresses outwith Scotland (as well as in Scotland), and as an alternative to sending the papers to the relevant property address. Under the 2007 Regulations, ballot papers can only be sent to the principal place of business in Scotland of the person eligible to vote, or to the relevant property address. There are instances, however, where a person eligible to vote in a BID ballot will not have a principal place of business in Scotland, or occupy the Scottish property for which the BID levy is payable (for example, where a company head office is located in another part of the UK or abroad).

#### **Consultation**

There is no statutory obligation to consult on this instrument. The earlier 2007 Regulations were subject to full consultation. These minor technical amendments were proposed by BIDs stakeholders and have been unanimously welcomed by

members of the BIDS Stakeholder Network, which represents the 6 BID pilot areas in Scotland.

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