

Agenda Item	13
Report No	EDI 29/19

## HIGHLAND COUNCIL

**Committee:** Environment Development & Infrastructure

**Date:** 16 May 2019

**Report Title:** Dingwall Business Improvement District

**Report By:** Director of Development and Infrastructure

### 1. Purpose/Executive Summary

- 1.1 This Report provides an update on the proposed Dingwall Business Improvement District and proposes a way forward relative to the Council's requirement to assess the BID Proposal in accordance with the Planning etc (Scotland) Act 2006 and the Business Improvement Districts (Scotland) Regulations 2007.

### 2. Recommendations

2.1 Members are asked to:

- i. note the status of the proposed Dingwall BID Proposal and ongoing work to finalise the BID Proposal/Business Plan; and
- ii. delegate authority to the Director of Development and Infrastructure in consultation with the Chair of the Environment, Development and Infrastructure Committee (EDI), to undertake the assessment and conclude whether the right of veto needs to be exercised or not. If there is reason to exercise the veto and the BID Proposers are unwilling to make the necessary changes, a report is brought back to the Council meeting on 27th June 2019 to consider and approve.

### **3. Introduction**

- 3.1 A Business Improvement District (BID) is a business led initiative where businesses work together and invest collectively in local services and improvements in their business environment. A BID is funded by businesses through a levy calculated on their respective non-domestic rates valuation. The resulting improvements and services are additional to those provided by public sector organisations such as the local authority. A BID is only introduced once it has been put to a democratic vote involving all eligible businesses.
- 3.2 In Scotland a BID can only be approved if:
- there is a minimum turnout (the headcount) of 25% of individual persons by number and rateable value of those entitled to vote
  - the majority vote in favour by number and rateable value of those entitled to vote.
- 3.3 Over the past eighteen months a business led steering group has been active in developing a BID proposal for Dingwall. This process is still under way and it is anticipated that a BID ballot will take place on 27 September 2019.
- 3.4 As a potential levy payer, the Council will have the opportunity to consider the merits of the BID proposal and determine whether it wishes to support the BID or not. It is anticipated that consideration of this aspect will take place at the Highland Council meeting on 5 September 2019.
- 3.5 However, in advance of this, the Planning etc. (Scotland) Act 2006, Part 9 – Business Improvement Districts, gives the Council the Power of Veto over a BID proposal and hence determine whether a ballot shall be held or not. The Council is required to consider a BID proposal within a prescribed period and give notice that it is, or is not, going to veto the proposal:
- if exercising a veto, the local authority must set out the reason why and give details of the right of appeal; and
  - if not exercising a veto, the local authority must set out its reasons for not doing so.

The circumstances when a local authority can exercise its veto are prescribed in the Act and the Business Improvement Districts (Scotland) Regulations 2007.

- 3.6 The final date for submission of the BID proposal to the Local Authority as prescribed in the legislation is 21 June 2019 (98 days before the day of the ballot). The last day the Local Authority can veto BID Proposals is 19 July 2019 (70 days before the day of the ballot). The Council's timetable of Committee meetings does not fit conveniently with this legislative timetable. Historically when this situation has arisen with other BID Proposals, an assessment of the draft proposal has been undertaken and, if no veto is proposed, conditional approval is sought from Committee with delegated decision making processes and referral back to Council, if the final BID Proposal/Business Plan conflict with the assessment made.

#### **4. Assessment**

- 4.1 While Council officials have been working closely with the BID Proposers to complete an assessment of the draft BID Proposal and associated Business Plan and follow the same conditional decision making processes as outlined above, the draft BID Proposal is not yet at a stage to enable this assessment to be complete. It is understood that this will be complete by the end of May and the final draft will be influenced by open meetings which are planned to take place with potential levy payers 7/8 May 2019.
- 4.2 To date, no issues have arisen which should give reason to the Council to exercise the veto, but until the BID Proposal / Business Plan is further developed and approved by the BID Proposers, the Council cannot conclude this work and complete its assessment of the BID proposal against the prescribed circumstances as set out in the Planning etc (Scotland) Act 2006 and associated Business Improvement Districts (Scotland) Regulations 2007.
- 4.3 In order to progress matters, but still ensure that an opportunity exists to bring this matter to Council if there is reason to exercise the right of veto, it is proposed that delegated authority to the Director of Development and Infrastructure, in consultation with the Chair of EDI, be given to undertake the assessment and conclude whether the right of veto needs to be exercised or not. If there is reason to exercise the veto and the BID Proposers are unwilling to make the necessary changes, a report is brought back to the Council meeting on 27 June 2019 to consider and approve.

#### **5. Implications**

- 5.1 **Legal**  
The process for the development of a BID and the statutory role of the Local Authority are prescribed in the Planning etc. (Scotland) Act 2006, Part 9 – Business Improvement Districts. The legislation gives the Council the Power of Veto over a BID proposal, requires the Council to consider a BID proposal within a prescribed period and requires the Council to give notice that it is or is not going to veto the proposal and set out its reasons why. Consideration of this report and taking a decision on whether or not to use its right of veto will ensure the Council's compliance with the legislation.
- 5.2 There are no Resource, Community, Climate Change / Carbon Clever, Risk or Gaelic implications arising from this report.

Designation: Director of Development and Infrastructure

Date: 2 May 2019

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