

ABERDEEN CITY COUNCIL

COMMITTEE	Urgent Business Committee
DATE	6 th January 2016
DIRECTOR	Pete Leonard, Director of Communities, Housing and Infrastructure
TITLE OF REPORT	Aberdeen City Centre Business Improvement District (BID) Proposal
REPORT NUMBER	CHI/015/346
CHECKLIST COMPLETED	YES

1. PURPOSE OF REPORT

Aberdeen BID Company Ltd (known as Aberdeen Inspired) has submitted BID renewal proposals to Aberdeen City Council to signal its wish that a ballot be held on the renewal of the Aberdeen City Centre Business Improvement District (BID).

Under the relevant legislation (the Planning etc. (Scotland) Act 2006 and Business Improvement Districts (Scotland) Regulations 2007), Aberdeen Inspired is required to submit the BID renewal proposals for the consideration of Aberdeen City Council and the Scottish Ministers. The Council is required to notify the BID Proposer (Aberdeen Inspired) and the Scottish Ministers in writing on or before 7th January 2016 about whether or not the Council is vetoing the BID renewal proposals.

The purpose of this report is to consider the Council's option to veto the BID renewal proposals and, if the ballot is to go ahead, the date on which it will be held.

2. RECOMMENDATIONS

It is recommended that the Council:

- a. resolves not to veto the BID renewal proposals drawn up by Aberdeen Inspired in respect of the Aberdeen City Centre Business Improvement District and instructs the Chief Executive to arrange for issue of the appropriate notices under section 42 of the Planning etc. (Scotland) Act 2006; and
- b. in the event of recommendation (a) being approved, instructs the Chief Executive as Returning Officer to hold a BID renewal ballot on 17 March 2016 in relation to the BID renewal proposals

and to take any other actions which may be required in connection with this process.

3. FINANCIAL IMPLICATIONS

The subject matter of this report has no direct financial implications for the Council. Aberdeen Inspired has confirmed in writing that “Aberdeen BID Company Ltd has allocated a specific budget for the BID renewal campaign and ballot, and that our organisation has sufficient funds to meet the ballot costs.”

4. OTHER IMPLICATIONS

The Planning etc. (Scotland) Act 2006 and the Business Improvement Districts (Scotland) Regulations 2007 give the local authority the power to veto BID renewal proposals. No ballot can be held if the proposals are vetoed. The legislation sets out the circumstances in which the veto may be exercised and the matters to which the authority shall have regard in deciding whether or not to exercise its veto.

In summary, those circumstances relate to the likelihood of (a) any conflict between the proposals and any statutory plans approved or adopted for the area (or any part of the area) covered by the proposed Business Improvement District, (b) any material conflict with any policy formally adopted by the Council, or (c) a significantly disproportionate financial burden being imposed on any person entitled to vote in the ballot or on any class of such persons.

Extracts from the legislation (i.e. section 42 of the 2006 Act and regulation 14 of the 2007 Regulations), setting out the abovementioned circumstances in which the veto may be exercised and the matters to have regard to, are included in Appendix 2 for members’ consideration.

Aberdeen Inspired wishes the ballot to be held on Thursday 17th March 2016. The City Council’s Election Team is able to undertake this work on behalf of the Returning Officer without it in anyway adversely affecting the preparations that are currently underway for the Scottish Parliament Elections in May 2016.

5. BACKGROUND/MAIN ISSUES

Attached as Appendix 1 is the Aberdeen Inspired business proposal for the period 1st April 2016 to 31st March 2021 which it intends to take to ballot on 17th March 2016.

The proposal and its related business plan have been considered by both Business Improvement Districts Scotland (BIDs) and the Scottish Government against the relevant legislative requirements and against the BIDs good practice guidance.

Following that consideration, there were no comments made on the proposal. With regard to the related business plan, confirmation was

sought from the Elections Team that it would be able to meet the proposed deadline of 21st January 2016 for the publication of the notice of ballot; Aberdeen Inspired was asked to check whether or not baseline service statements should be included from organisations other than the City Council or Police Scotland; and Aberdeen Inspired was asked to confirm that the database of voters to be used for the ballot would be complete by the time it was issued to the Elections Team.

The Elections Team has confirmed that with a complete database of voters it can meet the deadline set. Aberdeen Inspired has confirmed both that it does not require any other baseline service statements and that a complete database of voters will be issued to the Elections Team.

Given the content of the proposal and the matters detailed above, it is felt that the City Council would have no reason to exercise its right to veto the proposal. It is therefore recommended that this is formally intimated to Aberdeen Inspired and the Scottish Ministers and that the holding of the ballot is formally instructed.

6. IMPACT

Please see Appendix 1 for further details.

Improving Customer Experience – If the recommendations are approved and a ballot is scheduled for 17th March 2016, Aberdeen Inspired's BID renewal campaign will outline the potential benefits to their customers, i.e. the businesses in the footprint of the BID.

Improving Staff Experience – no immediate implications.

Improving our use of Resources – Aberdeen Inspired has confirmed in writing that "Aberdeen BID Company Ltd has allocated a specific budget for the BID renewal campaign and ballot, and that our organisation has sufficient funds to meet the ballot costs."

Corporate – The contents of the report relate directly to delivering the economic development aspects of the **Single Outcome Agreement**:

National Outcome 1 – We live in a Scotland that is the most attractive place for doing business in Europe

National Outcome 2 - We realise our full economic potential with more and better employment opportunities for our people

Local Outcome – Diversification of the Economy

The contents of the report also relate directly to delivering the economic development aspects of the Council's **Smarter Aberdeen** vision.

The **Regional Economic Strategy**, the **Aberdeen City Region Deal** and the delivery of the **City Centre Masterplan** will all impact significantly on the Business Improvement District area.

7. MANAGEMENT OF RISK

The risk of vetoing the proposal includes the potential perception of a “democratic deficit” on account of businesses within the current BID being denied the opportunity to decide for themselves whether to renew the BID.

8. BACKGROUND PAPERS

BID Proposal and Appendices
Extracts from the Planning etc. (Scotland) Act 2006 and the Business Improvement Districts (Scotland) Regulations 2007

9. REPORT AUTHOR DETAILS

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