

# **PLANNING ETC. (SCOTLAND) ACT 2006**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 9 – Business Improvement Districts**

##### ***Section 40 – Approval in ballot***

201. This section sets out the conditions that must be met before a BID ballot can be regarded as approved. It also states that the rateable value of the lands and heritages identified in the BID proposals is as shown on the valuation roll on the day of the ballot. The conditions are:
- (a) A majority of the votes cast are in favour of the BID proposal;
  - (b) At least 25% of those entitled to vote have done so;
  - (c) Those who vote in favour represent a greater aggregate rateable value than those who vote against;
  - (d) At least 25% of the eligible rateable value in the defined BID area is represented by those who have voted.
202. In respect of condition (c), this applies where only eligible ratepayers are involved in a BID. Where eligible ratepayers and other eligible persons are involved, this condition shall be altered by regulations.
203. Subsections (9) and (10) operate in the circumstance when a BID proposal states that both ratepayers and other eligible tenants or owners in the BID area will be entitled to vote and be involved in the arrangements. They do not apply where only ratepayers are involved. One condition of a vote to approve BID arrangements is that the aggregate of the rateable values of the properties in respect of which a person voting has voted in favour must exceed the corresponding aggregate voting against. Where both ratepayers and other persons are involved in voting, this rateable value element for a property will be distributed between the ratepayer and the other person entitled to vote. In subsection (9) Scottish Ministers may by regulations define how the rateable value element of voting will be distributed between ratepayers and the other person entitled to vote. Alternatively, subsection (10) enables regulations to provide that the BID proposers are to declare within the BID proposals the appropriate percentage allocation of Rateable Value between ratepayers and other persons voting. This enables an appropriate percentage to be specified in respect of each different BID.