

Briefing for the Public Petitions Committee on petition PE2227: Keep Business Improvement District ballots independent with information kept secret until closed

Brief overview of issues raised by the petition

The petition calls on the Scottish Parliament to urge the Scottish Government to amend the Business Improvement District (BID) ballot regulations to require BID ballot holders to prohibit the disclosure of interim ballot data before the official declaration of the result.

For the purposes of this petition, interim ballot data means turnout figures, information on who has voted, the rateable value of returned votes, or any other information generated during the conduct of, or counting of, the ballot.

The Scottish Government response to the petition states that “any proposals to amend national BID ballot regulations would need to be supported by clear evidence that the current arrangements are leading to unfairness or compromising the integrity of ballot outcomes”. Moreover:

“we [the Scottish Government] are not currently aware of any evidence demonstrating that the disclosure of interim ballot information has compromised the integrity of BID ballots...”

Scotland’s Town Partnership has established a Strategic Group on BID Operational Effectiveness, and the issue highlighted by the petitioner will be one of the issues considered by the Group.

Background information

A Business Improvement District (BID) is a formal partnership of businesses (and other organisations) which works together to improve a defined area, often a town centre or a shopping area within a city (for example Shawlands in Glasgow, or Alloa town centre). BID activities can include working to improve the physical appearance of an area or delivering events aimed at increasing footfall and spend.

There are [around 35 BIDs operating](#) across Scotland.

The main legislation governing the creation, funding and operation of BIDs is the [Planning etc. \(Scotland\) Act 2006](#) and the subsequent [Business Improvement Districts \(Scotland\) Regulations 2007](#).

Establishing a BID

A recent [House of Commons Library briefing](#) sets out the process required before a BID can be established:

“The procedure for establishing BIDs is almost identical in the different parts of the UK. A ‘proposer’ must develop a proposal describing the additional services that will be provided under the BID. The proposal must also set out the proposed levy upon ratepayers, including which ratepayers will be exempt. The proposal must also specify the length of time that the BID will last. The vast majority [of BIDS] are established for the maximum five-year period.”

A vote needs to take place before a BID is formally established. All businesses and organisations located in the defined area are balloted. A majority of voting businesses, by both number and rateable value, is required to vote in favour of a BID before it can progress. There must be a minimum 25% turnout for the ballot to be legitimate in Scotland.

[Schedule 2](#) of the Business Improvement District Scotland Regulations 2007 states how BID ballots should operate. There are two sections included on the issue of secrecy. SPICe contacted the Scottish Government official leading on BIDs earlier this year and was told: “The issue of secrecy in relation to the ballots isn’t something that has been flagged with us as an issue by SIDs or anyone else to date.”

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; and
- the majority vote in favour by number and rateable value of those entitled to vote.

So, the rateable value of each voting property needs to be known by those running the ballot in order to calculate whether or not an overall majority (by rateable value) has been achieved. **However**, the 2007 rules clearly states:

“Every person attending the proceedings in connection with the issue or the receipt of ballot papers shall maintain, and aid in maintaining, the secrecy of the voting and shall not attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the way in which any vote is given in any particular ballot paper, or communicate any information with respect to that obtained at those proceedings.”

The Scottish Assessors provides [online access to the Valuation Rolls \(Rateable Values\)](#). All Non-Domestic Rates-eligible properties are listed here. The public can view details, such as the name of the proprietor and occupier (if different), the address of most non-domestic properties in Scotland and their rateable value.

Previous Petitions Committee work on BIDs

There were two petitions on Business Improvement Districts considered by the Session 6 Committee:

- [PE2179: Strengthen veto powers when assessing Business Improvement District proposals](#)
- [PE2184: Provide BID levy relief to charities and non-profit organisations](#)

Key Organisations and relevant links

- [Scottish Government Business Improvement Districts](#)
- [Scotland's Towns Partnership](#)
- [Scotland's Improvement Districts – the national centre for BIDs](#)

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The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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