

Public Petitions Committee
Thursday 24 September 2026
3rd Meeting, 2026 (Session 7)

PE2227: Keep Business Improvement District ballots independent with information kept secret until closed

Introduction

Petitioner Daphne Hamilton on behalf of Unfair Nae Mair - 4%MAX

Petition Summary Calling 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. This should not prevent the lawful supply of information for canvassing purposes under regulation 13 of the Business Improvement Districts (Scotland) Regulations 2007.

Website <https://petitions.parliament.scot/petitions/PE2227>

1. This is a new petition that was published on 16 July 2026.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. Every petition collects signatures while it remains under consideration. At the time of writing, 125 signatures have been received on this petition.
4. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the Petitioner which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
September 2026

Annexe A: Summary of petition

PE2227: Keep Business Improvement District ballots independent with information kept secret until closed

Petitioner:

Daphne Hamilton on behalf of Unfair Nae Mair -4%MAX

Date published:

16 July 2026

Petition summary:

Calling 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.

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Background information:

Business Improvement Districts in Scotland operate under the Planning etc. (Scotland) Act 2006, along with the Business Improvement Districts (Scotland) Regulations 2007 (SSI 2007/202) and the Business Improvement Districts (Ballot Arrangements) (Scotland) Regulations 2007 (SSI 2007/261).

Evidence shows that BID guidance to local authorities has not prevented BID proposers (often private companies) from accessing information on who has voted during the ballot. This is a matter of concern because it takes more than just a majority to win a ballot but also an aggregate of non-domestic rateable values that is higher than for those voting against.

If a ballot is secret, in the traditional meaning of local authority ballots, this would ensure that results were a robust reflection of eligible non-domestic rate payers. If BIDs are to be truly democratic then the levied businesses should be entitled to expect the highest standards of secrecy in the holding of BID ballots.

Annexe B: SPICe Briefing



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](#)

Greig Liddell

Senior Researcher

14 September 2026

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

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written Submissions

PE2227/A: Keep Business Improvement District ballots independent with information kept secret until closed

Scottish Government written submission, 26 August 2026

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why.

The request would not be achievable in the medium term as it would require amendments to existing legislation – further advice would be required from Scottish Government Legal Department (SGLD) on the proposed changes in the event they were to be considered. Without legal advice it is not clear how quickly relevant changes could be made to existing legislation/regulations.

There are no immediate plans to amend existing BIDs legislation. The potential cost and resource implications of this work have not been considered or factored into existing work programmes or budgets.

We would strongly argue 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. Before looking at changes to legislation, it may be more appropriate to consider whether guidance, best practice or more targeted measures could address any identified concerns without imposing broader restrictions on the conduct of BID ballots.

What, if any, action is the Scottish Government currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

A Strategic Group on BID Operational Effectiveness was convened by STP in early 2026. This group focused, among other priorities, on how BIDs can enhance their operational effectiveness in responding to the evolving needs of businesses, communities, and local and national government, and on identifying areas where regulatory change may be necessary or beneficial.

The Group will submit a report to Scottish Government/Scottish Ministers in late summer/early autumn with their recommendations.

Whilst we are not currently aware of any evidence demonstrating that the disclosure of interim ballot information has compromised the integrity of BID ballots, the issue will nevertheless be considered by the Strategic Group as part of its wider review of BID operational effectiveness and ballot processes.

Should evidence emerge that current arrangements are creating unintended consequences or undermining confidence in the ballot process, this can be considered alongside other recommendations arising from the review.

Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

Existing Legislation

BID ballots are governed by the Planning etc. (Scotland) Act 2006 and the Business Improvement Districts (Scotland) Regulations 2007, which already provide a structured process for establishing and renewing BIDs.

Any proposal to introduce additional restrictions on the conduct of ballots would need careful consideration to ensure they are proportionate, do not have unintended consequences, and do not create unnecessary administrative burdens for ballot holders or BID proposers.

At present, we are unaware of wider concerns and/or clear evidence that the current arrangements are resulting in unfairness, undue influence, or distorted ballot outcomes. Before any further action could be considered it would be important to establish:

- how widespread the practice of accessing interim-ballot data is across Scottish BIDs;
- whether disclosure of data has affected ballot outcomes;
- whether existing ballot holders already operate appropriate safeguards; and
- whether the issue is sufficiently significant to justify national regulatory intervention.

If concerns were identified, we would suggest exploring non-legislative solutions in the first instance, including strengthened guidance or best practice standards relating to the use of interim ballot data, before considering legislative change - especially given the greater complexity and resource implications involved.

Democratic Process

The establishment and continuation of a BID is determined through a democratic ballot. The statutory voting requirements provide a robust mechanism to ensure that proposals have sufficient support from both businesses and rateable value interests.

For a BID proposal to be approved, four conditions must be met:

1. A minimum turnout of 25% of eligible persons (the headcount), regardless of whether they voted for or against the proposal.
2. A minimum turnout of 25% by aggregate rateable value (RV), regardless of whether they voted for or against the proposal.
3. A majority of those eligible persons who voted must vote in favour.
4. A majority by RV of those eligible persons who voted must vote in favour.

It is our view, therefore, that the existing framework therefore already contains significant democratic safeguards

Unintended Consequences

A blanket prohibition on sharing interim ballot data may have unintended consequences. For example:

- encouraging participation is an important part of achieving the statutory turnout thresholds;
- BID proposers often undertake awareness and engagement activity during the ballot period;
- information on overall turnout levels may help encourage businesses that have not yet voted to participate.

A broadly drafted restriction on the use of interim-ballot data could potentially limit legitimate ballot administration activities; create uncertainty about what information can be shared; make it more difficult to encourage participation; and require additional monitoring and enforcement arrangements.

Scotland's Improvement Districts (SIDs)

The Scottish Government supports Scotland's Improvement Districts (SIDs), the national body providing advice, guidance and governance support to BIDs across Scotland. This work is delivered by Scotland's Towns Partnership through its annual grant funding arrangement.

Through its support and oversight role, SIDs helps ensure that robust processes and governance arrangements are in place across the Scottish BID network. It also works closely with existing and developing BIDs to promote good practice.

As part of this work, SIDs engages regularly with BID companies, staff and boards and gathers intelligence on emerging issues and opportunities. The issue of interim ballot data is not an issue that has been highlighted with them as an area of concern to date.

SIDs also undertakes annual surveys and maintains regular dialogue with BID practitioners, providing valuable insight into the operation of the BID model. The Scottish Government engages regularly with SIDs to monitor developments and identify any issues requiring further consideration.

**Place Based Regeneration Team, Planning Directorate
Scottish Government**

PE2227/B: Keep Business Improvement District ballots independent with information kept secret until closed

Petitioner submission, 5 September 2027

We welcome the SPICe briefing for PE2227, Keep Business Improvement District ballots independent with information kept secret until closed.

As SPICe notes, the duty of secrecy is already clearly set out in legislation. However, during Unfair Nae Mair's research into Business Improvement Districts (BIDs), guidance issued to local authorities appeared to leave uncertainty over whether BID proposers may receive interim ballot information during the 42-day voting period.

Unfair Nae Mair therefore submitted an FOI request to Clackmannanshire Council's Returning Officer. The response confirmed that during the 2023 Alloa First BID renewal ballot, information was provided to BID proposers on a daily basis, excluding only how individual businesses had voted.

This is significant. Access to information showing who has voted and the rateable value represented by votes cast can enable BID proposers to identify businesses that have not yet voted and target their efforts accordingly. In particular, it may allow attention to be focused on high-rateable-value properties whose votes can materially affect the outcome.

This risks undermining the principle of a secret and independent ballot.

The Scottish Government states that it is "not currently aware of any evidence demonstrating that the disclosure of interim ballot information has compromised the integrity of BID ballots". However, the evidence supplied in relation to the Alloa First ballot demonstrates that interim information has, in practice, been disclosed. If this has occurred in one BID ballot, there is a reasonable basis for examining whether the practice occurs elsewhere.

Participation does not require interim ballot data

The Scottish Government also suggests that prohibiting disclosure could make it more difficult to encourage participation and achieve statutory turnout thresholds.

We believe this conflates two separate issues.

BID proposers should remain free to provide information to all eligible voters and encourage participation throughout the ballot. PE2227 does not seek to prevent legitimate canvassing or the provision of information permitted under Regulation 13 of the 2007 Regulations.

However, encouraging participation does not require BID proposers to know which businesses have already voted, which have not, or the rateable value represented by votes already cast.

The petitioner therefore considers that withholding interim ballot information until the ballot closes would protect ballot independence without preventing legitimate voter engagement.

Strategic Group on BID Operational Effectiveness

The Scottish Government has referred to the Strategic Group on BID Operational Effectiveness, which is expected to consider whether evidence exists to support legislative change.

The petitioner is concerned about relying on this process as the principal response to PE2227 and PE2226. The Group is convened by Scotland's Towns Partnership (STP), an organisation funded by the Scottish Government to provide advice, guidance and support to BIDs. Its role is therefore closely connected with supporting the BID model.

There are consequently legitimate questions about whether a review led through this structure can provide sufficiently independent scrutiny of concerns about BID levy and ballot practices.

The petitioner also understands that the Group is not an independent statutory body established by Parliament, and that details of its membership, evidence-gathering process and deliberations are not fully public.

Given that evidence of interim ballot information being disclosed has already been placed before the Committee, we respectfully ask the Committee not to defer consideration of PE2227 solely pending the outcome of this Group.

Request to the Committee

1. Unfair Nae Mair respectfully asks the Committee to consider whether the existing regulations and guidance should be clarified so that information identifying who has or has not voted, together with interim rateable-value or turnout data capable of influencing canvassing activity, is not disclosed to BID proposers until the ballot has closed.

Such a clarification would preserve legitimate voter engagement while strengthening confidence that BID ballots are conducted independently and in accordance with the principle of ballot secrecy.

2. Consider, if appropriate, PE2226 and PE2227 together as interrelated issues within the same regulatory framework.