



Northern Ireland  
Assembly

Committee for Social Development

# OFFICIAL REPORT (Hansard)

Business Improvement Districts Bill:  
Consideration of Stakeholder Comments and  
Proposed Amendments

28 November 2012

# NORTHERN IRELAND ASSEMBLY

## Committee for Social Development

### Business Improvement Districts Bill: Consideration of Stakeholder Comments and Proposed Amendments

28 November 2012

**Members present for all or part of the proceedings:**

Mr Alex Maskey (Chairperson)  
Mr Mickey Brady (Deputy Chairperson)  
Ms Paula Bradley  
Ms Pam Brown  
Mr Sammy Douglas  
Mr Mark Durkan  
Mr Fra McCann

**Witnesses:**

Mrs Gail Cheesman	Department for Social Development
Mr Henry McArdle	Department for Social Development
Mr Antony McDaid	Department for Social Development

**The Chairperson:** Thank you for being here. If you do not mind, will you give us a summary? We heard quite a bit this morning, so I ask you to recontextualise the Bill, without necessarily going into all the detail.

**Mr Henry McArdle (Department for Social Development):** Thank you very much for the opportunity to brief you again on the Business Improvement Districts Bill. We will shortly be considering the stakeholder comments in more detail. We will provide the Committee with a brief recap on business improvement districts (BIDs) and what we are aiming to achieve in the BIDs legislation, and perhaps clarify some points.

As we heard this morning, a business improvement district is a geographical area within which the businesses have voted to invest collectively and propose to improve their trading environment. In simple terms, that is a pooling of resources to deliver an improvement plan that is business-led. That is very important. That is fundamental to any BID scheme. It is by business for business, and schemes will not work if government is seen to be imposing them.

BIDs provide a great opportunity for local businesses to work together and with their local council on having a say in what additional services or amenities their area needs to attract more business into it and on drawing up a plan to provide those services. It is a way for traders to help themselves. The key thing is that the BIDs Bill provides a statutory basis on which to go forward. Up until now, we have had some examples of voluntary BIDs, which have relative degrees of success. The fundamental thing is that only those who will want to pay will pay. Some people will not pay, but they will still benefit from the improvements in the area on the back of somebody else's levy. That is seen as not fair. It will put us on the same footing as England, Wales and Scotland, which already have BIDs

legislation in place. In drafting the BIDs Bill for Northern Ireland, we have drawn very heavily on what is already in place in England, Wales and Scotland, with the aim of having a consistent approach across the UK.

The Bill is designed in such a way as to be flexible enough to allow local discretion and the development of local solutions. That is a key element, because no two BID areas have the same issues, the same problems and the same solutions. We have noted the submissions that have already been made to the Committee by a range of bodies: the Association of Town Centre Managers (ATCM); the Northern Ireland Independent Retail Trade Association (NIIRTA); the Northern Ireland Retail Consortium; the Northern Ireland Local Government Association (NILGA); local councils; and others. We have also taken account of the very interesting presentation this morning by Professor Berry, Dr Hemphill and Professor McGreal.

Although some issues have been raised, and some were also raised this morning, it appears to the Department that all those who responded to the consultation and those submitting evidence broadly support the Bill's principles.

In closing, we believe that there is overwhelming support for the Bill. We have provided the Committee with a detailed response to the stakeholders' comments, and my colleagues and I are happy to discuss those in more detail now, and we will take any further questions that the Committee may have.

**The Chairperson:** OK. Thank you very much for that. Do members have any views before we go into the clause-by-clause consideration? Does anybody want to raise anything on the back of what Henry said? I want to try to establish timings.

**Ms P Bradley:** There is a photograph for Committee for Health, Social Services and Public Safety members at 1.45 pm.

**The Chairperson:** How many members are going?

**Ms P Bradley:** Three of us.

**The Chairperson:** That leaves four of us here.

**Ms P Bradley:** I will stay. You two go.

**Ms Brown:** Can the Committee continue but just not make any decisions?

**The Chairperson:** It can.

**Ms Brown:** It will be for only a short time.

**The Chairperson:** I appreciate that but I am trying to think beyond that. I want to be away for 3.30 pm, if possible. Is anyone else governed by time? Do you have to go at some point, Mickey?

**Mr Brady:** I have to go to the Health Committee at 2.00 pm.

**The Chairperson:** Can we be quorate at 3.30 pm? I want to be away by then.

**Mr Brady:** The Minister is coming to the Health Committee.

**Ms P Bradley:** I want to go to the Health Committee at some stage for a short time to get signed in, but I will come straight back. We have another three members on that Committee anyway.

**The Chairperson:** We will struggle for a quorum around that time, so can we say that we are going to work until 3.30 pm?

**Mr F McCann:** I have to go at 2.10 pm. I have prearranged meetings.

**The Chairperson:** Can we say that, at the latest, it will be 3.30 pm, and if we lose the quorum before then, so be it? I appreciate that members are on other Committees. It is just one of those things. In fairness to members, when we were doing the Welfare Reform Bill, members were focused, had told their parties and were more or less excused from doing other work. Now that you are back into this, probably a bit less is expected of you. We will have to work with what we can today, and let us work until 3.30 pm, if possible. If we cannot, so be it. We will then return to this in a more focused way.

**Ms P Bradley:** We are going down for a photograph, and I will come straight back after if others are going to the Health Committee.

**The Chairperson:** Thanks very much.

We will work our way through the Bill, clause by clause. You have the table in the members' packs. From what Henry has outlined and from this morning's presentation, the response has been, for the most part, quite positive. We want to take other evidence and seek out other views from businesspeople who might elaborate on some of the points and concerns that have been raised.

**Mr McArdle:** Would it be useful to the Committee if we were to pick out a number of the key issues that seem to have been recurring throughout the process? Some of them were raised this morning, and some of them feature heavily in the table, along with some pretty minor stuff. That might be more useful.

**The Chairperson:** Either you can make a straight presentation, or we can go through it clause by clause, which means that we ask whether members have an issue to raise. If they do not, we will move on to the next clause. For the Welfare Reform Bill, we had departmental officials explain what clause 1 was about, and if everyone was happy enough, we moved on. If a member had a question, the officials took it.

**Mr Antony McDaid (Department for Social Development):** This is not formal clause-by-clause scrutiny, yes? It is just consideration of the comments.

**The Chairperson:** At the minute, we want to make sure that everyone is clear about what the Bill is about, clause by clause. For example, clause 1 is about BID arrangements. There may not need to be a lot of discussion on some of the clauses, and there probably will not be, so it may be better to work through the table.

**Mr McArdle:** That is fine.

**The Chairperson:** On the previous occasion, we did not have all the same paperwork. Do you have the table?

**Mr McDaid:** Yes, we have the table.

**The Chairperson:** On clause 1, there are views from Ballymena Borough Council, Belfast City Council, NILGA, Cookstown District Council and Coleraine Borough Council. The table shows the Department's responses. If you think that there are any issues covered in the Department's responses that need to be further cleared up, please address that. We will then draw breath, and if members have a view on that, you might wish to clarify something. This is about understanding what the Bill is about.

**Mr F McCann:** I have a question on the back of one that I asked this morning. The idea of setting up BIDs raised its head initially at the height of an economic boom, and we are now at the other end of that, with the impact that that has. I notice that Ballymena Borough Council talks about themed BIDs. How does that impact on the general BID area, especially if the council is talking like that? Belfast City Council says that its guidance on the development of BIDs is not clear. Does anyone go and talk to the council about that? I raise Belfast, and I raised Newry, because, as others said, a number of organisations are already working to what can be seen as a BID remit. In Belfast, there are probably three or four different organisations. How does it impact on them, and if the council does not buy into BIDs — it says there that it is not clear — where do you take it from there?

**Mr McArdle:** On your point about other organisations, this sits very well with organisations such as chambers of commerce, city centre management, and all that. It works well in those contexts in other

jurisdictions. Recently, we visited Scotland. We talked to the people who are involved in BIDs: the local council, the BID proposers, and whoever. The local chamber of commerce carries out a co-ordinating role across a number of BID areas. It does work very well. It is not stepping on anybody's toes. It is basically a group of businesses getting together with their local council and deciding that they want to do something over and above the norm in their area and are prepared to pay a levy to do that.

**Mr McDaid:** The Bill is enabling legislation. There will be more detail in the regulations produced as a result of the Bill, and obviously there will be departmental guidance. Belfast City Council is saying that, from the Bill itself, it is not clear, in great detail, exactly what its roles and responsibilities will be. However, that is something that will be developed as the legislation progresses.

As Henry mentioned earlier, the Bill is very heavily based on existing legislation in Britain and in the South. A similar format was used. The council's roles and responsibilities will not be included in the Bill but will be detailed and made clear in the regulations and guidance, which will be developed in consultation with local councils and any other key stakeholders.

**Mr F McCann:** I know that you said that it is an enabling Bill, but, believe me, if you heard the discussion this morning, you will know the problems that we are having dealing with an enabling Bill for welfare reform. Nobody knows what is coming down the road in the regulations.

Ballymena is talking about a themed BID, while Coleraine talks about it being sensible to clarify the other agencies involved. Department for Social Development (DSD) town centre regeneration is working away. You have chambers of commerce, traders' organisations, local councils and I do not know how many other organisations. Tell me this: would it not have been a better idea, as I was going to suggest earlier, to get them all into a room, tell them what BIDs are about and what we want to do, then get a general agreement, instead of moving ahead the way in which you are? It seems to me that even those who support BIDs have given them qualified support.

**Mr McArdle:** That is what we are suggesting for the development of the next stage of this. The primary legislation is equivalent to what is happening in other jurisdictions. We then want to develop regulations and guidance appropriate for this area. We need to do that in close consultation with city councils and chambers of commerce. We have already had discussions with a number of organisations, including NIIRTA and ATCM. They are fairly clued in to what BIDs are all about. It is getting the message out to others that is a job of work.

**Mr McDaid:** Even in the initial consultation on our policy proposals, we made it quite clear that the detail would come in the regulations. In submissions received from all the interested stakeholders that you mentioned, they appreciated that. Obviously, they do not want us to be too prescriptive in the primary legislation because that does away with the element of flexibility that is needed to allow BIDs to work across different areas. We did engage with councils. We met them and took on board their views. We have gone through that process.

**Mr Durkan:** I want to follow on from Fra's point about the impact on existing organisations, such as city centre initiatives or other traders' associations to which their members will contribute. Under BIDs, they will have to contribute; it is mandatory for people to make a contribution. Therefore, I think that an impact on other organisations is inevitable. If businesses have no choice but to pay into a BID, and then ultimately cannot afford to pay into both, the original organisation will wither.

**Mrs Gail Cheesman (Department for Social Development):** The key thing about the contributions is that if members who are being balloted for the BID do not think that it would be worth the extra money, they will vote no. Although you are right in saying that if the BID has a successful vote, it will be mandatory to pay, an awful lot of consultation and discussion needs to go into making sure that the package put for proposal is something that people see a value in. Then, they will say that, despite times being a bit hard, they will pay their £300 or £400, or whatever it turns out to be. They will see that they will get at least those benefits back, if not more. People will have to make that assessment. That puts a lot of onus on the people putting forward the proposal to show why it is worthwhile and will work. People will essentially vote with their pockets by saying no if they do not think that the extra money that they are being asked to pay is worthwhile. Nobody can force the BID to go ahead if it does not get support from the business owners who are being asked to pay.

**Mr Durkan:** The support from what percentage of the business owners?

**Mr McDaid:** The majority of the people who vote. It depends on how many turn up.

**Mr Durkan:** Fifty-one per cent?

**Mr McDaid:** Of the people who turn out to exercise their vote.

**Mr McArdle:** The key point is that people may vote against this but be unsuccessful. They will then have to pay. That is mandatory. Surely the key test of this is that the percentage of those who have gone for renewal after five years has increased, with an increased majority. The proof of the pudding is in the eating. People will not vote for something that is not working. I go back to an example that I may have referred to on a number of occasions. In the business improvement district that we visited in Scotland, we met one person who had voted against its introduction. She said that she had voted against it because she did not see any benefit in it for her. She had been vociferous in her opposition to it at the meeting. The vote went against her, so she had to pay. She said that if she had to pay, she would see what was involved. She is now the chairperson of the board and has turned her opinion around completely because she can now see the benefits. The job is selling it to people. It is not our job to do that, necessarily. We can put the legislation and mechanisms in place to bring it forward. However, it will be sold by businesses talking to other businesses — through businesses saying that they have done it and it is working.

**Mr Durkan:** It will also be our job to sell it. In the current climate especially, I do not know how easy it is going to be to sell another Bill. It is positive, and we should be extremely positive about any step to help our businesses and town and city centres. I just ain't feeling it.

**Mr McDaid:** You raised another point about existing organisations, such as town centre management groups. They will tend to be the types of organisations that BIDs will develop from. It is not about replacing that role; rather, the role will probably evolve into a BID partnership.

**The Chairperson:** A couple of other members want to come in. I just need to remind members that we are not actually discussing whether it is a good or bad Bill. We are trying to understand what the Bill provides for. On the basis of other evidence that we take, including from some businesspeople and others, we will then make a judgement as to whether it is a good idea. Today is about understanding what the Bill provides for. It is a mechanical — albeit very important — exercise that we are going through. On that basis, I will let Fra back in briefly, then Mickey. Bear in mind that it is not a debate about the Bill.

**Mr F McCann:** It seems to me that councils have some concerns. Belfast City Council talks about the service level agreements that it has and that they may not run over the five years of the BID.

**The Chairperson:** Where are you, Fra?

**Mr F McCann:** On page 8 of the table.

**The Chairperson:** We are on clause 1.

**Mr F McCann:** This is on clause 1, Chair.

**Mr McDaid:** No, it is on clause 4.

**Mr F McCann:** I am away ahead of myself.

**The Chairperson:** You are away ahead. We want to work through clause 1. Again, let me remind members that all that we want to do is establish that we understand what clause 1 is supposed to do. Do not worry about whether it is a good thing or a bad thing. Worry about whether you understand what it is supposed to do. That is all that we are trying to do today. When we reach clause 4, we will come to page 8.

**Mr F McCann:** The general point I am making on clause 1, and this runs through the Bill, is that there seems to be a general misunderstanding of what BIDs are about and the impact that they will have. Each clause seems to be lacking that selling point. Mark touched on that. What happens if a council

says that it is not buying into this? If legislation is already in place, there is nothing they can do about it.

**Mr McArdle:** The bottom line is that they do not have to buy into it. There is a misunderstanding here that the council in every area has to buy into BIDs and has to have a BID in their area. Some councils may feel that the arrangements that they have in place at the minute, such as city centre management teams or whatever, are sufficient for their area. It is only for those businesses that feel that their area could be enhanced somewhat or could be separately marketed to improve the look of the area, and maybe they are not getting that from their council. Their council may well provide a good level of service, but maybe they want more. Those are the areas that will see the benefits of this and will put their own money into it to make it happen.

**Mr McDaid:** Businesses will engage with their local councils and say that they would like to use the BID tool. Obviously, councils will want to improve the whole area, and if a BID is going to improve a particular part of their area, it should be seen as a positive thing. If elements in the Bill conflict significantly with plans that the council already has, they might see it as not the way to go, but it is a piece of legislation that is there to be used if somebody wants to use it, and it will be developed through partnership between local businesses and local councils. Both sides will need to be on board.

I take the point that you are saying about the responses from the councils. It is probably more about clarity around what their roles will be in the process in respect of the ballot arrangements, handling the money and stuff like that, but all that will be detailed in the regulations and will be consulted on fully with the councils.

**The Chairperson:** Are we happy enough that we understand what clause 1 is trying to do? Whether people take it up or not is a discussion for a separate day. In a way, we have covered it because Paula raised it earlier about Newtownabbey or Glengormley. If something has already been done, why would somebody else want to do it again? I presume that people would overwhelmingly say, "I am sorry, but that has already been done". Mark said that it might impact on some other project. The question for people who are proposing a BID is whether there will be support for it. If there is support for it, that provides double protection. I am not advocating; I am simply saying that our job is to satisfy ourselves that we know what clause 1 is about. That is all that we need to know.

**Mr F McCann:** I understand what you are saying, but we also need to know whether the thing is going to work.

**The Chairperson:** I am not disputing that, but that is another discussion. We need to understand what clause 1 provides for. If we understand that, we will have a discussion on another day about whether it is going to work. I presume that we will take other evidence, and on the basis of all the evidence, as well as our own judgement, we will decide that this is what it provides for, but it will not work, so we are not going to support it. On the other hand, it could work and we will support it, or it could work but it needs to be changed. It will be up to us to deliberate on that in due course. This is just a process that we are going through to understand what the provision is in the clause.

**Mr F McCann:** I accept what you are saying, Chair, but all I am trying to do is to seek information on the basis of what is in front of me.

**The Chairperson:** Absolutely. Are we happy enough that we know what the clause is?

**Mr F McCann:** We might know, but it appears that a lot of people out there do not.

**The Chairperson:** That is an entirely valid point, but it is not contained within the clause, if you know what I mean. Are people happy enough that we know what clause 1 is designed to do?

*Members indicated assent.*

**The Chairperson:** Clause 2 relates to joint arrangements. We have a number of comments raised by people, and the Department's responses to that. Are there any comments from your own end that you need to make?

**Mr McDaid:** It will be set out in regulations that if there is a proposal for a BID to cross two council boundary areas, it will be around making somebody responsible — a lead council will take it on board — and things like that. So it will be detailed in the regulations.

**The Chairperson:** Are members happy enough that we understand that?

**Mr Durkan:** Yeah, yeah. That is OK.

**The Chairperson:** If you are not, we can come back to it.

**Mr Durkan:** I am thinking of where one BID crosses, for instance, council lines. What if we had two separate BIDs in separate councils that then become one council? The only thing to differentiate those BIDs initially may have been the fact that they were in different council areas.

**Mr McDaid:** Are you thinking about what would happen if RPA went ahead? They would just be two separate BIDs in the new council area.

**Mr McArdle:** The example we visited was of three BIDs in the same council area. One council was responsible for the three of them and, in fact, they shared resources across the BIDs.

**The Chairperson:** I presume that you could have two separate BIDs in two currently distinct council boundaries, which then subsequently merge, with neither of those BIDs having council involvement. That could happen.

**Mr McDaid:** In this particular clause, we have picked up and improved on the English legislation. They have actually had to put an amendment into their legislation. They are looking to promote tourism BIDs, which have a larger geographical scale. Their existing legislation did not allow them to have BIDs between two local authority areas. The legislation had to be amended. Clause 2 in our legislation covers that. If there was a thematic BID, around golf or whatever, that would obviously cover a number of council areas. The Bill allows for that to happen, and allows the Department to make regulations about who would take the lead role among the councils.

**The Chairperson:** OK, fair enough.

**Mr Douglas:** Guys, thanks to the team for the presentation. What about the border counties? Some councils collaborate on tourism stuff as well. Is there an opportunity, say, if two councils wanted to work on a cross-border basis?

**Mr McArdle:** Not in our legislation. There are certainly BID arrangements in the Republic of Ireland. There are two BIDs in place, one in Dublin and one in Dundalk, but BIDs have not been widely taken up, for whatever reason. There is no provision for that in the Bill. This legislation covers Northern Ireland.

**Mr Brady:** To follow on from what Sammy said, in Newry, we had an influx of people, and still do, although maybe not to the same extent, and the bridge is going to be a tourism issue. The point was made this morning, in the presentation from the University of Ulster, that shopping centres are stand-alone. Newry is unique in one way — you know Newry as well as I do — in that the two shopping centres are not out of town, as such. Yet that is to the detriment of Hill Street and Monaghan Street. When you talk about businesses buying in, it seems to me that there is a real opportunity there for what Sammy was talking about. You mentioned Dundalk. Dundalk has suffered greatly from people coming across the border. There is an issue around the Ring of Gullion and the Cooley Mountains. There was talk of geoparks and all that kind of thing happening. There might be an opportunity there.

**Mr McArdle:** There is nothing to say that a BID in Newry could not co-operate with a BID in Dundalk, and have an arrangement, but —

**Mr Brady:** There is a memorandum of understanding between the two councils, which again —

**Mr McArdle:** There are obviously benefits in connectivity. What I am saying is that we cannot legislate here for levies to be imposed upon businesses in Dundalk, or vice versa.



**Mr Brady:** That would be between the two.

**Mr McArdle:** Arrangements could certainly be put in place.

**Mr Brady:** It would make sense, in some ways.

**Mr McArdle:** It would make sense.

**The Chairperson:** That is helpful. That is an important area. I do not know about the second BID project in the South, but I was told that in the Dublin BID, unlike in England or elsewhere, where the average number of Sammy's hereditaments is between 300 and 600, there are 3,500 hereditaments.

**Mr McArdle:** That is massive.

**The Chairperson:** Dublin has clearly said that it should have had a number of BIDs within that. Obviously, cross-border collaboration is very, very important. Are people happy enough that we understand clause 2?

*Members indicated assent.*

**The Chairperson:** We move on to clause 3. We have a lot of comments. Is there anything that the Department needs to elaborate on, apart from the comments that are there?

**Mr McArdle:** Not really. This is to allow for others to contribute towards the BID. We have seen evidence to suggest that a lot of the BIDs are able to secure funding from other sources. By the very fact that they are a collective and they have a bit of clout, they are able to apply for funding and generate it from other sources. This is to allow that to happen. It is not just, necessarily, the money that they collect from their own BID levy; they can supplement that with whatever money they can secure from other sources.

**Mr McDaid:** That would include voluntary contributions from landlords and property owners and things like that. As was said in the presentation this morning, as the BID grows, that element of additional funding tends to grow as well. This provision allows for that.

**Mr Douglas:** I have a very quick question. We are not just talking about money; it could be resources such as personnel, management, etc?

**Mr McDaid:** Absolutely.

**The Chairperson:** If members are happy enough with that and understand it, we will move on to clause 4. Is there anything that you want to add that? No? Again, the detail on this will be in the regulations. No one wants to raise anything. OK then, we are happy enough to move on to clause 5, BID proposals. Is there anything required here? No one has anything additional to that. OK, it is not compulsory. We will move on, then, to clause 6, entitlement to vote. This is one of the issues that has been raised on a number of occasions. Are members happy enough that they understand the business of entitlement to vote?

**Mr Douglas:** It is just the question that I asked earlier. What about, say, the living over the shop scheme, and tenants as well? They would be stakeholders.

**Mr McDaid:** It is restricted to non-domestic.

**Mr Douglas:** That is a big sector in some of these areas.

**Mr McDaid:** Yes. Obviously, the BID proposers could mention to the residents of the area what they are looking to do with it. However, residents would not be required to pay any levy or be entitled to vote.

**The Chairperson:** I presume that that is an issue that we would want to take up. I do not know the proportion, and I cannot identify a location. However, there may well be locations where the business

community might want a BID, but that could be in stark contrast to the wishes of residents there. It probably is something that we need to return to at some point.

**Mr McArdle:** Again, harking back to the example that we saw, there was something like 150 businesses in this area. Effectively, it was a big street. However, right behind it and surrounding all that was a big community of residents. They were brought into this from the very start. They were not able to vote and they were not able to contribute to the levy, but they were a part of the whole process. They are still part of the process, in that there are things like loyalty cards for people who shop in the area. Residents are involved in all the marketing events and farmers' markets and things like that. So they are fully brought into the process. That is an important issue. You cannot just ignore residents who are not shopkeepers or whatever. You have to look at everyone in the geographic area.

**The Chairperson:** OK. We will return to that. We understand what the clause is.

We are happy enough to move onto clause 7, then. This is about a ballot. Again, members may well understand this. If they do, we will move on. Are people happy enough with clause 7 and the implications of it?

*Members indicated assent.*

**The Chairperson:** Clause 8 is about approval in the ballot, and alternative conditions. Are members happy enough that they understand the provision?

*Members indicated assent.*

**The Chairperson:** Clause 9 is about power of veto.

I will just move as swiftly as I can, if there are no indications to the contrary. All right, then?

*Members indicated assent.*

**The Chairperson:** I move on to clause 10, 'Appeal against veto'. Are members happy enough with that?

*Members indicated assent.*

**The Chairperson:** Clause 11, "Commencement of BID arrangements". Clause 12, "Imposition and amount of BID levy". Are members happy enough?

*Members indicated assent.*

**The Chairperson:** Clause 13 is "Liability and accounting for BID levy". Clause 14 is "BID Revenue Account".

*Members indicated assent.*

**Mr Douglas:** Any chance of going a bit faster, Chair? *[Laughter.]*

**The Chairperson:** You were not supposed to notice. I said that I would move swiftly on unless I got indications to the contrary. Please stop me if you are not sure. As soon as we hit the number, let me know.

**Mr Brady:** Sammy's hand-to-eye co-ordination is not what it used to be.

**The Chairperson:** All right. Where were we? Clause 1 — are you happy, Sammy? *[Laughter.]* Can we go to clause 15, please? This is about "Administration of BID levy etc." Happy enough?

*Members indicated assent.*

**The Chairperson:** Clause 16, "Duration of BID arrangements etc." This is the five years, is it not?

**Mr McDaid:** Yes.

**The Chairperson:** Clause 17 is "Regulations about ballots". We will come back to those regulations in the Committee and the Assembly for consideration. Are you all happy enough about that? It is about the mechanics of the ballot.

**Mr McDaid:** It is just the process of issuing ballot papers, the time frames and how people go about voting.

**Mr Brady:** Can I just ask, is there a time line for what has to be implemented once the ballot is done? I am just thinking —

**Mr McDaid:** Once the ballot has been proven to be successful, usually the mechanism would be —

**Mr Brady:** There is no set time? I was just thinking that the logistics of setting something up in some areas may take longer. We talked earlier about uniformity.

**Mr McDaid:** Obviously, that would be in the regulations, and we are still working on them. There will probably be an element that they must be in place within so many days — 30 days or a number like that.

**The Chairperson:** I presume that once the process has started and it is validated and the ballot has been taken —

**Mr McDaid:** Yes, but you do not want it waiting until 12 months later.

**Mr McArdle:** There will be a timescale. I cannot recall what it is, but there is a timescale.

**Mr Brady:** I am not asking you to give us a definitive timescale, but it would make sense to have a time line.

**Mr McArdle:** It will be very clear, when people are voting, what they are voting for in what fund the levy is going to create, on what days an individual will have to pay and when it is proposed to kick-start that. I imagine that most of them will start at the start of the financial year.

**Mr Brady:** It could lose impetus if it is not done within a relatively short time. That is my point.

**Mr McArdle:** Absolutely.

**The Chairperson:** OK. So members are happy enough with that, then?

*Members indicated assent.*

**The Chairperson:** On to clause 18, "Power to make further provision". It is just to allow for further flexibility.

**Mr McDaid:** It allows for any additional regulations.

**Mr Brady:** We are at clause 19, Sammy.

**The Chairperson:** All members happy enough with that then?

**Mr Douglas:** Just with reference to 19 here, it says:

*"The Department considers the provisions of the Bill to be compatible with ... Human Rights"*

**Mr McDaid:** That is paragraph 19. It is not clause 19.

**The Chairperson:** Go ahead, Sammy. What is it?

**Mr Douglas:** I was going to suggest that we set up an Ad Hoc Committee. *[Laughter.]*

**The Chairperson:** Were you looking to clear up something, seriously?

**Mr Douglas:** No.

**The Chairperson:** We have just agreed clause 18, "Power to make further provision", and we are moving on to clause 19, "Further provision as to regulations". That is on page 40. The page number is at the bottom of the page. It is in black and white. Letters.

Sammy, I just want to check that you are working off the clause-by-clause table.

**Ms P Bradley:** I do not know what Sammy is looking at. He has two papers there.

**Mr Douglas:** Antony gave me this.

**Mr McDaid:** It is the explanatory memorandum.

**Mr Douglas:** I am using inside notes.

**The Chairperson:** The explanatory memorandum is very helpful, but we are trying to work from the clause-by-clause table in your Bill folder.

**Ms P Bradley:** He is using both.

**The Chairperson:** You are multitasking.

**Mr Douglas:** I am using both.

**The Chairperson:** Fair enough. The clause-by-clause table is designed to give people's responses and the Department's responses to those. Clause 19 is "Further provision as to regulations". There are comments there from Armagh City Council and others, and the Department's response. Does anybody need further understanding of that?

**Mrs Cheesman:** All that that is saying is that most of it is subject to negative resolution but that certain parts are subject to draft affirmative resolution in order to allow for more scrutiny. That is really the purpose of that clause.

**The Chairperson:** OK, fair enough. Are members happy enough with that?

*Members indicated assent.*

**The Chairperson:** On to clause 20, "Crown application"; there is nothing on that. Clause 21 is "Interpretation"; there is nothing on that. There is nothing on clause 22 either.

You can see that there are other comments from written and oral evidence. Those do not relate to specific clauses as such; it is more of a generic commentary. You may want to take a few minutes to read through that.

**Mr Durkan:** There is nothing on interpretation, but what does interpretation mean here?

**Mr McDaid:** It just gives meaning to certain words used in the legislation, so you can say what it means or refers to; for example, "non-domestic ratepayer" as referred to in another piece of legislation.

**The Chairperson:** Is that in the Bill?

**Mr McDaid:** Yes, interpretation will be a clause that gives an explanation of phrases and terms used in the Bill.

**Mr Durkan:** It got me thinking. I am thinking more about translation than interpretation. Sammy inadvertently came across something on human rights and equality. Say, for example, that there are business owners in a BID whose first or chosen language is not English, and the BID publishes a leaflet saying how great the area is. Say, for example, this Polish shop was in the BID, and they say that they need the leaflet to be done in Polish. Are they protected? Will they have to get what they want?

**Mr McArdle:** I do not know the answer to that, but I suspect not. However, the fundamental principle of BIDs is that the proposers have to convince people that their proposals are right. If there are people in the area who feel that those proposals are not right or are unfair, they can go to the council. The council has a role in determining whether they can approve the proposals before they go any further. The council has a power of veto. One situation in which it may well want to exercise that veto is if it thinks that the proposals are unfair to a section of the business community or individuals within that business community. That will be part of the ongoing discussions. If certain elements in an area have strong views and want to express those views, that is the mechanism by which all those issues are thrashed out.

**Mr McDaid:** As part of the process of putting a proposal to ballot, they have to submit the detail of the consultation that they have carried out with businesses in the BID area. So, things like that will be picked up. If there are a number of businesses whose owners' first language is not English, they might produce the leaflets in their own language. However, that is not something that will be covered in the primary legislation.

**Mr McArdle:** We expect that those issues will be handled at a local level and will not need to be legislated for.

**The Chairperson:** Are you happy enough with that, Mark?

**Mr Durkan:** Yes.

**The Chairperson:** OK. There are a number of other paragraphs setting out issues raised and the Department's responses. Has the Department considered any amendments that it might want to make to the Bill?

**Mr McArdle:** No, not at the moment.

**The Chairperson:** OK; fair enough. Are members happy enough then? We have clarified what the Bill is about and, on that basis, have concluded this agenda item. I do not think that we need to prolong the meeting any longer than needs be. People have other work that they want to go and do.