



**Business Improvement Districts (BIDs)
Local Government (Business Improvement Districts) Act 2006, Section 129E (6)**

As advised at the March Council meeting, Report No 92/2017, a BID proposal to renew the existing Dublin City Centre BID Scheme, was submitted to the City Council by Dublin City Centre BID Company Ltd trading as Dublin Town. A public notice inviting submissions was placed by Dublin City Council in the Irish Independent and the proposal was put on public display from 8th March to 7th April in the Civic Offices and Central Library, ILAC Centre. The BID proposal was also available for inspections on the Dublin Town and Dublin City Council websites

By the deadline of 5pm on Friday 7th April, 44 submissions had been received. Of these 26 submissions supported the renewal of the scheme and 18 submissions objected to the renewal. All submissions were made available to the proposer of the BID as required by Section 129 E (5). Dublin Town is obliged to consider the submissions before reverting to the local authority to confirm or withdraw the request to hold a plebiscite.

The Local Government (Business Improvement Districts) Act 2006 requires that a report be prepared on the submissions made and that a copy of the report be furnished to the Members.

Table 1 below identifies those individuals / businesses that made submissions. It should be noted that many of the submissions were identical. There was 1 composite submission signed by representatives of 18 companies. There were also a number of late submissions which were excluded from further consideration.

Table 1:

Ref	Name	Representing
1	Rory Greer	
2	Billy Reid	Aramark Property
3	Hugh Hourican	The Boars Head
4	Martin Gear	Martin Gear Jewellers
5	Temple Garner	San Lorenzo's Restaurant

Ref	Name	Representing
6	Neal Magee	101 Talbot Restaurant
7	Jules Fallon	1st Option Models
8	John Errity	Ultra Digital Limited
9	Ross McMahon	David F. McMahon & Co Solicitors
10	Ronan Healy	Catapult Ireland - Event Production Design
11	Mary & Margaret Costelloe	COSTELLOE + COSTELLOE
12	Celine Gilmer	EE Group
13	Brendan Flynn	The Church Bar and Restaurant
14	Philip Bergin	Pennys
15	Vincent O'Gorman	The Westbury Hotel
16	Allan Campbell	The Bankers Bar
17	Lorcan Lynch	The Flowing Tide Pub
18	Colm Carroll	Carrolls Irish Gifts
19	John Irwin	Down to Earth Health Food
20	Col Campbell	Bewleys Café Grafton Street Limited
21	Andrew Rudd	Medley Fleet Street East
22	Dairine Keogh & Simon Cummins	Clement & Pekoe Ltd
23	Noel Anderson	Herbert Inns Ltd : Inn on Hibernian Way Ltd
24	Kate O'Neill	Silver Trout
25	Derek McDonnell	Jervis Shopping Centre
26	Adrian Cummins	Restaurants Association of Ireland
27	Cara McManamon	FIRE Restaurant & Venue
28	Sabrina Egerton	Corporate.ie
29	James Brennan	Tara Leathers
30	Jennifer King	Fallon and Byrne
31	Damon Crowe	Red Torch Ginger
32	Anne Bedos	Rothar
33	Michael Foley	Aspire Digital
34	Graham Ryan	Yamamori
35	Joe Macken	Joe Burger
36	Jean Martin Deniau (+ 18 signatures)	Right to Exit Campaign
37	Caroline Bernardo	JM Barnardo and Son Ltd
38	Billy Creaney	Prime Steak Limited
39	Mannix Flynn	Councillor
40	Conor Keoghan	Brown Thomas Carpark
41	Mark Keoghan	The Keoghan Partnership
42	Tony Keoghan	Jonova Properties Limited
43	James McDonald	Hemp Company Ireland
44	Nicole Jordan	Zaragoza Restaurant

Submissions

The following points were raised in those submissions which were *in favour* of the renewal of the scheme:

According to these submissions the Dublin City Bid

- provides a single voice to speak for business and deal with local & national government and other bodies on issues relevant to business
- provides a high level of expertise and professionalism to all retailers regardless of size.
- provides an extensive social media platform that allows city centre retailers to market initiatives in the City Centre
- represents value for money
- plays a positive role in encouraging city centre businesses and with particular regards to those on Capel Street.
- provides resources to combat graffiti and anti-social behaviour which has helped create a positive city centre environment.
- assists tourists in the City Centre.
- effectively co-ordinates and organises additional services and resources.
- counteracts out of town shopping centres and online retailing by creating a coherent marketing message that identifies the city centre as a vibrant destination,
- mitigates the upheaval associated with the Luas works, transport changes and the 1916 commemorations by liaising with all the major stakeholders.
- provides a voice for small, independent, City Centre businesses.
- has identifiable brands for the city centre and is well placed to develop that vision going into the future.
- helped several areas of the city win the Purple Flag accreditation and has engaged with businesses that would not otherwise have a voice in the city
- works successfully on the Dublin 1 Project

The following points were raised in those submissions which were *against* the renewal of the scheme:

According to these submissions

- the financial contribution required by the scheme is not justified and amounts to an increase in rates which are already too high
- the services provided by Dublin Town should be funded through existing rates or carried out by Dublin City Council
- the statistics provided by Dublin Town regarding footfall are open to dispute.
- there has been a failure to evaluate promotional schemes to determine efficacy

- large businesses have a disproportionate amount of influence on what Dublin Town does and there is a lack of consultation with smaller retailers.
- Dublin Town does not acknowledge and reply to basic correspondence.
- Dublin Town lacks accountability on budgetary matters.
- Dublin Town should not be able to use finance obtained through levies to fund renewal process
- Membership and levy should be optional i.e. not be compulsory for all ratepayers.
- Dublin Town is exempt from the Freedom of Information Act and therefore lacks transparency
- fails to represent the views of many of its members on contentious issues
- Dublin City Council should ensure that any plebiscite is carried out in a fair and democratic manner and should instruct Dublin Town to allocate equal funding to the campaign to exit BIDS.
- the valuation office listing of businesses should be included rather than DCC Rates Office listing
- there are errors in the documents submitted by Dublin Town in their proposal for renewal and therefore call into question the legality of the process. These errors relate to the list of street names and addresses and the omission of a list of casual/street traders.
- the rebranding of historical areas has taken place without consultation with residents and retailers and has generated resentment.
- the policy positions adopted by Dublin Town on various City Council fora do not represent the views of its members or the wider business community.

Legal advice was received on the following issues raised in a number of submissions

Alleged exclusion of certain lanes and streets. The publication of a definitive list of lanes and streets is not a requirement under legislation. Section 129C(2) (c) states that the proposal shall *'provide a current list of each rateable property in the proposed business improvement district.* The list of rateable properties is the statutory listing required. In referring to public consultation the act lays out that street addresses *...may be included for the purposes of the public display (newspaper notice and physical display) – section 129E (3) (b).* It should be noted that the information provided on the most recent display is identical to what was advertised/displayed in 2007 and 2012. I am satisfied that the requirement of the Bids legislation were satisfied on this issue

Exclusion of Street Traders Names on the Rate Payer listing; There are a small number of casual street trading pitches in the Dublin City Centre Bid Area on Grafton Street, Moore Street, Coles Lane etc. These pitches were included in the listing or Rateable Properties but without a corresponding postal address or trader's name. I am advised that the publication of the location of pitches satisfied the requirement of the above Act.

Other Issues Raised

Some submissions raised issues which were more wide-ranging than the actual BID Proposal. They were more about the primary legislation, the renewal process, the plebiscite, operational matters for Dublin Town or outside the scope of this consultation. I have listed these issues

The compulsory nature of BIDs Levy A number of submissions objected to the requirement that all ratepayers within the scheme are liable for the additional levy. This requirement is set in *The Local Government (Business Improvement Districts Act 2006* and cannot be varied other than through a change in primary legislation.

The operation of the proposed plebiscite The Local Authority is obliged to adhere to the requirements of *Statutory Instrument 166 Local Government (Business Improvement Districts Ratepayer Plebiscite)Regulation 2007*. The Local authority is required to remain neutral so the inclusion of election literature with ballot papers is not feasible.

Freedom of Information. Dublin Town is not a public body so does not fall under the requirements of the Freedom of Information legislation,

Dublin Town. Governance, budgetary and operational issues raised are a matter for the Board of Dublin Town in the first instance.

Dublin Town, after having considered the submissions received, is required to notify Dublin City Council in writing whether the company wishes to proceed with or withdraw the renewal proposal. This written confirmation cannot be made until 7th June 2017 at the earliest. The resulting plebiscite must take place within 60 days of that date.

If the decision is to proceed with the initial renewal proposal, then a Returning Officer will be appointed to oversee the plebiscite. If a majority of the ratepayers who vote are in favour of the implementation of the proposed BID scheme, a further report will be presented to the City Council. A decision as to whether or not to approve implementation of a BID Scheme is a reserved function

Deirdre Ni Raghallaigh
Senior Executive Officer

Date: 2nd May 2017