

## SCHEDULE 1

Regulation 5

### CONTENT OF BID PROPOSALS, RENEWAL PROPOSALS OR ALTERATION PROPOSALS

1.—(1) Subject to sub-paragraphs (2) and (3), a BID proposal shall include—

- (a) a statement of the works or services to be provided, the name of the person responsible for implementation of those works or services, whether this shall be a BID body, and the status of such person (whether a district council, a company under the control of a council, a limited company or a partnership);
- (b) a statement of the existing baseline services provided by the district council or other persons with public functions;
- (c) a description of the geographical area (including a map showing that area) in which the proposed BID arrangements are to have effect;
- (d) a statement of whether all non-domestic ratepayers in the geographical area or a specified class of them are to be liable for the BID levy, an explanation of how the amount of the BID levy to be levied is to be calculated and an explanation of whether any of the costs incurred in developing the BID proposals, holding of the ballot or implementing the BID are to be recovered through the levy;
- (e) a statement of the specified class of non-domestic ratepayer (if any) for which and the level at which any relief from the BID levy is to apply;
- (f) a statement of whether the BID arrangements may be altered without an alteration ballot and, if so, which aspects of the BID arrangements may be altered in this way;
- (g) a statement of the duration of the BID arrangements; and
- (h) a statement of the commencement date of the BID arrangements.

(2) In relation to sub paragraph (1)(c), the geographical area in which BID arrangements are to have effect shall not include part only of a relevant property.

(3) In relation to sub paragraph (1)(h), the BID proposals shall specify how many days after the notice of the result is published (pursuant to paragraph 17 of Schedule 2) the BID arrangements will commence and such commencement date shall be no later than a year after the date of that notice.

2. The matters which shall be included in renewal proposals are—

- (a) a statement of the proposed period (not exceeding 5 years) of the renewed BID arrangements; and
- (b) a summary of the BID arrangements (including the geographical area of the business improvement district and the works or services provided, an explanation of who is liable for the BID levy, the level of the BID levy and how it is calculated).

3.—(1) Subject to sub paragraph (2), the matters which shall be included in alteration proposals are a description of how it is proposed the BID arrangements are to be altered in relation to each of the following:—

- (a) the works or services to be provided or the person to have responsibility for implementing the BID arrangements;
- (b) a summary of the existing baseline services (if any) provided by the relevant district council;
- (c) the geographical area (including a map showing that area) in which the proposed BID arrangements are to have effect;
- (d) the non-domestic ratepayers in the geographical area who are to be liable for the BID levy, an explanation of how the amount of the BID levy to be levied is to be calculated and an

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explanation of whether any of the costs incurred in developing the BID proposals, holding of the ballot or implementing the BID are to be recovered through the BID levy;

- (e) the category of non-domestic ratepayer (if any) for which and the level at which any relief from the BID levy is to apply;
- (f) whether the BID arrangements may be altered without an alteration ballot and, if so, which aspects of the BID arrangements may be altered in this way; and
- (g) a statement of the commencement date of the alterations to the BID arrangements.

(2) In relation to sub paragraph (1)(c), the geographical area in which BID arrangements are to have effect shall not include part only of a relevant property.

(3) In relation to sub paragraph (1)(g), the BID body shall specify how many days after the notice of the result is published pursuant to paragraph 17 of Schedule 2 it proposes the alterations to the BID arrangements will come into force and such commencement date shall be no later than a year after the date of that notice.

SCHEDULE 2

Regulation 8

RULES FOR BID BALLOTS, RENEWAL BALLOTS AND ALTERATION BALLOTS

*PROVISIONS AS TO TIME*

Timetable

1. The proceedings of the ballot shall be conducted in accordance with the following Table.

<i>Proceeding</i>	<i>Time</i>
The district council instructs the ballot holder	In accordance with regulation 5
Publication of notice of ballot	At least 42 days before the day of the ballot, in accordance with paragraph 3
Day of the ballot	The day determined in accordance with paragraph 2
Declaration of the result	In accordance with paragraph 17

RULES FOR BALLOTS

- 2.—(1) Subject to sub-paragraph (2), the ballot holder shall secure that the day of the ballot is—
  - (a) a working day;
  - (b) at least 42 days after the date on which the ballot papers were sent to voters (or, where the ballot papers were sent on more than one date, the last such date); and
  - (c) at least 42 days after, but no more than 90 days after, the date on which the ballot holder published the notice required by paragraph 3(a).

(2) No later than 42 days before the day of the ballot, the ballot holder may postpone the day of the ballot by up to 15 working days.

(3) Where the ballot holder postpones the ballot under sub paragraph (2), they shall notify the district council and the BID proposer or BID body, as the case may be, in writing of the new day

of the ballot and the reasons for the postponement and the ballot holder shall take reasonable steps to publicise the new day of the ballot.

Ballots – preliminary procedures

3. The ballot holder shall, at least 42 days before the day of the ballot—
  - (a) publish notice of the ballot stating—
    - (i) the day of the ballot; and
    - (ii) that the ballot will be taken entirely by post, with votes to be returned by 5 p.m. on the day of the ballot;
  - (b) prepare a list of persons entitled to vote and proxies (if any);
  - (c) send to each person entitled to vote or, if applicable, that person’s proxy a statement which—
    - (i) explains the arrangements for the ballot;
    - (ii) explains that regulation 5(3) allows that person to request a copy of the BID proposals from the BID proposer; and
    - (iii) provides the name and address of the BID proposer; and
  - (d) send to the Department a copy of the notice referred to in sub-paragraph (a).

Ballots – general

4.—(1) Each ballot shall be a postal ballot.

(2) Each person entitled to vote in a BID ballot, renewal ballot, alteration ballot or re ballot, as the case may be, shall have one vote in respect of each relevant property occupied or (if unoccupied) owned by that person in the geographical area of the BID.

(3) The rateable value of relevant property for the purposes of a BID ballot, renewal ballot, alteration ballot or re ballot, as the case may be, shall be the rateable value on the NAV list as at 5 p.m. on the day of the ballot and no account shall be taken of any alteration to the rateable value which is not shown on the NAV list immediately prior to the end of the day of the ballot.

Proxy voting

5.—(1) Subject to the provisions of this paragraph, any person is capable of being appointed proxy to vote for another in a ballot and may vote in pursuance of the appointment.

(2) The person entitled to vote cannot have more than one person at a time appointed as proxy to vote for that person in a ballot.

(3) Where the person entitled to vote applies to the ballot holder for the appointment of a proxy to vote for that person in a particular ballot, the ballot holder shall make the appointment if the application meets the requirements of this paragraph and that the proxy is capable of being, and willing to be, appointed.

- (4) An application for the appointment of a proxy shall—
  - (a) state the full name and address of the person whom the person entitled to vote (the applicant) wishes to appoint as his/their proxy;
  - (b) state the address of the applicant’s relevant property or properties;
  - (c) be signed by the applicant; and
  - (d) contain a statement by the applicant that they have consulted the proxy so named and that that person is capable of being and willing to be appointed.

(5) An application to appoint a proxy shall be refused for the purposes of a particular ballot if it is received by the ballot holder after 5 p.m. on the tenth day before the day of the ballot.

(6) Where the ballot holder grants an application for the appointment of a proxy, they shall—

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- (a) confirm by notice in writing to the person entitled to vote that the proxy has been appointed, their name and their address; and
  - (b) include the proxy's details on the list referred to in paragraph 3(b).
- (7) Where the ballot holder refuses an application to appoint a proxy, the ballot holder shall notify the applicant in writing of their decision and of the reason for it.
- (8) Subject to sub-paragraph (9), the appointment shall remain in force for that ballot only.
- (9) The appointment may be cancelled by the person entitled to vote giving notice to the ballot holder or by the proxy giving notice to the ballot holder that they no longer wish to act as proxy.
- (10) A notice under sub-paragraph (9) by a person entitled to vote cancelling a proxy's appointment shall be disregarded for the purposes of a ballot if it is received by the ballot holder after 5 p.m. on the fifth day before the date of the poll at that election.
- (11) Where the appointment of a proxy is cancelled under sub-paragraph (9), the ballot holder shall—
- (a) notify the person entitled to vote in writing that the appointment has been cancelled;
  - (b) notify the person whose appointment as proxy has been cancelled in writing, unless the ballot holder has previously been notified by that person that they no longer wish to act as proxy; and
  - (c) remove the name of the proxy from the record kept under paragraph 3(b).

#### Requirement of secrecy

6.—(1) 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 those proceedings.

(2) Every person attending at the counting of the votes shall maintain, and aid in maintaining, the secrecy of voting and shall not communicate any information obtained at the counting of the votes as to the way in which any vote is given on any particular ballot paper.

(3) Nothing in this paragraph shall prevent the ballot holder and his clerks ascertaining the address and rateable value of each relevant property thereto which a vote is cast.

#### Notification of requirement of secrecy

7. The ballot holder shall make such arrangements as they think fit to ensure that every person attending at proceedings in connection with the issue or receipt of ballot papers or the counting of the votes has been given a copy in writing of the provisions of paragraph 6.

#### The ballot paper

8.—(1) Nothing is to be printed on the ballot paper except in accordance with this paragraph.

(2) Each ballot paper may have a number or barcode printed on the back.

(3) The box in which a vote may be marked on the ballot paper shall not be less than 1.5 centimetres square.

(4) All of the words on the ballot paper shall appear in the same size type.

Each ballot paper for a BID ballot, or a re-ballot in relation to a BID ballot, as the case may be, shall include the following wording—

#### Example Ballot

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Are you in favour of the Business Improvement District proposals for *[insert a list of the names of the streets in the geographical area covered by the BID proposals]*?

Place a cross (X) in the box of your choice.

YES		NO	
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This vote is in respect of—

*[insert address of the relevant property of the person entitled to vote]*

I confirm that I am entitled to vote in respect of this relevant property

Signed.....

Name (in block capitals).....

Position..... (NB where the person entitled to vote is a company or partnership

Note: for your vote to be valid this ballot paper must be signed and returned to the ballot holder at *[insert address for return of ballot papers]* by 5 p.m. on *[insert the day of the ballot]*

(5) Each ballot paper for a renewal ballot, or re ballot in relation to a renewal ballot, shall include the following wording—

Example Ballot

Are you in favour of renewing the Business Improvement District arrangements for *[insert a list of the names of the streets in the geographical area covered by the business improvement district]* for a further period of *[specify duration of the proposed renewed BID arrangements]*?

Place a cross (X) in the box of your choice.

YES		NO	
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This vote is in respect of—

*[insert address of the relevant property of the person entitled to vote]*

I confirm that I am entitled to vote in respect of this relevant property

Signed.....

Name (in block capitals).....

Position..... (NB where the person entitled to vote is a company or partnership

Note: for your vote to be valid this ballot paper must be signed and returned to the ballot holder at *[insert address for return of ballot papers]* by 5 p.m. on *[insert the day of the ballot]*

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(6) Each ballot paper for an alteration ballot, or re ballot in relation to an alteration ballot (as the case may be), shall include the following wording—

Example Ballot

Are you in favour of the alteration of the Business Improvement District arrangements for *[insert a list of the names of the streets in the geographical area covered by the business improvement district]*?

Place a cross (X) in the box of your choice.

YES		NO	
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This vote is in respect of—

*[insert address of the relevant property of the person entitled to vote]*

I confirm that I am entitled to vote in respect of this relevant property

Signed.....

Name (in block capitals).....

Position..... (NB where the person entitled to vote is a company or partnership

Note: for your vote to be valid this ballot paper must be signed and returned to the ballot holder at *[insert address for return of ballot papers]* by 5 p.m. on *[insert the day of the ballot]*

Prohibition of disclosure of vote

9. No person who has voted shall, in any legal proceeding to question the BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, be required to state the way in which he voted. Procedure on issue of ballot paper

10.—(1) One ballot paper shall be issued in respect of each eligible ratepayer entitled to vote in the BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, in respect of each relevant property for which he is entitled to vote.

(2) The address to which the ballot paper is to be sent is—

- (a) the address of the relevant property or the principal place of business of the person entitled to vote; or
- (b) in the case of a proxy, the address shown for the proxy on the list prepared under paragraph 3(b).

(3) At the same time there shall be issued to each person entitled to vote or, if applicable, that person's/ proxy—

- (a) a statement prepared by the ballot holder providing an explanation of the BID arrangements and the arrangements for the ballot; and
- (b) an envelope for the return of the ballot paper (referred to in this Schedule as the “return envelope”).

(4) For the purpose of delivering the ballot papers, the ballot holder may use—

- (a) a universal service provider (as defined in the Postal Services Act 2000)(1);
- (b) any other holder of a licence under Part 2 of the Postal Services Act 2000 whose licence permits it to convey such papers from one place to another; or
- (c) any other means of conveyance and delivery for which a licence is not required, pursuant to section 7 of the Postal Services Act 2000.

(5) Postage shall be prepaid on envelopes in which the ballot paper is issued and return postage shall be prepaid on all return envelopes.

(6) No person other than the ballot holder and their clerks may be present at the issue of ballot papers, unless permitted by the ballot holder to attend.

Spoilt ballot papers

11.—(1) If a voter has inadvertently dealt with their ballot paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) that voter may return (either by hand or by post) to the ballot holder the spoilt ballot paper.

(2) On receipt of the spoilt ballot paper, the ballot holder shall issue another ballot paper, except where those documents are received later than 3 working days before the day of the ballot.

(3) The spoilt ballot paper shall be immediately cancelled.

(4) Where a voter applies in person, the ballot holder may hand a replacement ballot paper to that voter instead of delivering it in accordance with paragraph 10.

Lost ballot papers

12.—(1) Where a voter has not received their ballot paper by the seventh working day before the day of the ballot, that voter may apply (whether or not in person) to the ballot holder for a replacement ballot paper.

(2) Such an application shall include evidence of the voter’s identity.

(3) Where the application is received by the ballot holder later than the date that is 3 working days prior to the day of the ballot and the ballot holder—

(a) is satisfied as to the voter’s identity; and

(b) has no reason to doubt that the voter did not receive the original ballot paper, the ballot holder shall issue another ballot paper.

(4) Where a voter applies in person, the ballot holder may hand a replacement ballot paper to that voter instead of delivering it in accordance with paragraph 10.

Receipt of return ballot papers

13.—(1) A postal ballot paper shall not be taken to be duly returned unless it is received by the ballot holder (either by hand or post) or at any place for delivery specified in the notice of ballot as being a place of delivery before 5 p.m. on the day of the ballot.

(2) On receipt of a returned ballot paper, the ballot holder shall arrange for it to be kept in a secure receptacle until the votes are counted.

(3) No person other than the ballot holder and their clerks may be present at the receipt of the ballot papers, unless permitted by the ballot holder to attend.

The count

14.—(1) As soon as practicable after the day of the ballot, the ballot holder shall make arrangements for counting the votes cast on such of the ballot papers as have been duly returned (in accordance with paragraph 13(1)) and record the number counted.

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(1) 2000 c.26.

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(2) No person other than the ballot holder and their clerks may be present at the counting of the votes, unless permitted by the ballot holder to attend.

Rejected ballot papers

15.—(1) Where a ballot paper is received which bears the same number or barcode as a ballot paper already received, both that ballot paper and the other ballot paper bearing the same number or barcode (as the case may be) shall be void and not counted.

(2) Any ballot paper which is unsigned, unmarked or void for uncertainty shall, subject to sub-paragraph (3), be void and not counted.

(3) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

shall not for such reason be deemed to be void if the voting intention appears clear.

Decisions on ballot papers

16. The decision of the ballot holder on any question arising in respect of a ballot paper shall be final.

Declaration of result

17.—(1) The ballot holder shall certify—

- (a) the total number of votes cast in the ballot excluding any votes given on ballot papers rejected under paragraph 15;
- (b) the aggregate rateable value of each relevant property in respect of which a person voted in the ballot;
- (c) the total number of votes cast in favour of the question asked in the ballot;
- (d) the aggregate rateable value of each relevant property in respect of which a person voting in the ballot has voted in favour of the question asked;

(2) The ballot holder, having made the certification under sub paragraph (1), shall—

- (a) forthwith make a declaration of the matters so certified; and
- (b) give public notice of the matters so certified [within 7 days after the counting of the votes.

Validity

18.—(1) No BID ballot, renewal ballot, alteration ballot or re ballot, as the case may be, shall be declared invalid by reason of any act or omission of the ballot holder or any other person in breach of the provisions of the Schedule, if it appears to a court considering the question that—

- (a) the BID ballot, renewal ballot, alteration ballot or re ballot, as the case may be, was so conducted as to be substantially in accordance with the provisions of this Schedule; and
- (b) the act or omission did not affect its result.

(2) A BID ballot, renewal ballot, alteration ballot or re ballot, as the case may be, unless proceedings are started in relation to it before the commencement date of the BID arrangements, renewed BID arrangements or altered BID arrangements (as the case may be), shall be deemed to have been to all intents a good and valid ballot.

Retention of ballot papers

19. The ballot holder shall retain the ballot papers for 6 months after the day of the ballot and then, unless otherwise directed by order of a court, shall cause them to be destroyed.



## SCHEDULE 3

Regulation 15

### THE KEEPING OF THE BID REVENUE ACCOUNT

#### PART 1

##### Credits to the Account

1. For each year a district council which is required to keep a BID Revenue Account (“the account”) shall carry to the credit of the account equals to the items listed in this Part of this Schedule.

Item 1: BID revenues

Sums receivable for the year under sections 3 and 12 of the 2013 Act.

Item 2: Income from BID services and facilities

Sums receivable by the district council for the year in respect of services or facilities provided by it (excluding contributions made by it to the BID under section 3 of the 2013 Act) under the BID arrangements.

Item 3: reduced provision for bad or doubtful debts

The following, namely—

- (a) any sums debited to the account for a previous year under sub-paragraph (a) of item 3 of Part 2 of this Schedule which have been recovered by the council during the year; and
- (b) any amount by which, in the opinion of the council, any provision debited to the account for a previous year under sub-paragraph (b) of that item should be reduced.

Item 4: credit balance from previous year

Any credit balance shown in the account for the previous year.

#### PART 2

##### Debits to the Account

2. For each year a district council which is required to keep a BID Revenue Account (“the account”) shall carry to the debit of the account amounts equal to the items listed in this Part of this Schedule.

Item 1: BID cost of collection

The cost to the council for the year in respect of collecting the BID levy.

Item 2: BID expenditure

The expenditure of the council for the year in respect of the BID arrangements (including sums paid to a third party to undertake the works or services under the BID arrangements).

Item 3: provision for bad or doubtful debts

The following, namely—

- (a) any sums credited to the account for the year or any previous year under item 1 or 2 of Part 1 of this Schedule which, in the opinion of the council, are bad debts which should be written off; and
- (b) any provision for doubtful debts which, in their opinion, should be made in respect of sums so credited.

Item 4: debit balance from previous year

Any debit balance shown in the account for the previous year.

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## SCHEDULE 4

### [IMPOSITION], ADMINISTRATION, COLLECTION AND RECOVERY OF BID LEVY

#### **Interpretation**

1.—(1) In this Schedule “relevant period” in relation to a notice means the chargeable period to which the notice relates.

(2) Where any notice which is required or authorised by this Schedule to be given to or served on a person relates to a relevant property which is (or, where such notice relates to more than one relevant property, one or more of which is) a place of business of that person, it may be given or served by leaving it at, or by sending it by post to him or her at, the place of business (or, one of those places of business).

(3) Any notice required or authorised to be given to or served on any person by a billing body, or any information required by paragraph 3(2) to be supplied to any person when a demand notice (within the meaning of this Schedule) is served—

- (a) may be so given, served or supplied by sending the notice or information to that person by electronic communication to such address as may be notified by that person for that purpose; or
- (b) shall be treated as given, served or supplied to that person where—
  - (i) the billing body and that person have agreed for that purpose that any documents containing the notice or information may be accessed by that person on a website;
  - (ii) the document is a document to which that agreement applies;
  - (iii) the billing body has published the document on a website; and
  - (iv) that person is notified, in a manner for the time being agreed for those purposes between that person and the billing body, of the publication of the document on a website and how that person may locate and access the document.

(4) For the purpose of any legal proceedings, a notice given in accordance with sub-paragraph (2) shall, unless the contrary is proved, be treated as served on the second business day after—

- (a) it was served; or
- (b) notification of its publication was given in accordance with sub-paragraph (2)(b)(iv).

(5) A person who has notified an address for the purpose of sub-paragraph (2)(a) shall, by notice in writing to the billing body, advise the billing body of any change in that address; and the change shall take effect on the third business day after the date on which the notice is received by the billing body.

(6) A person who has notified an address for the purpose of sub-paragraph (2)(a) may, by notice in writing to the billing body, withdraw that notification; and the withdrawal shall take effect on the third business day after the date on which the notice is received by the billing body.

(7) A person who has entered into an agreement with the billing body under sub-paragraph (2)(b) (i) may, by notice in writing to the billing body, inform them that the person no longer wishes to be a party to the agreement; and where such notice is given, the agreement shall be treated as revoked on the third business day after the date on which the notice is received by the billing body.

(8) In this Schedule “the amount payable” means the amount that an eligible ratepayer falling within the description of persons liable for the BID levy in the BID arrangements is liable to pay by virtue of section 13 of the 2013 Act.

### **Service of demand notices**

2.—(1) For each chargeable period a billing body shall, in accordance with paragraphs 3 to 6, serve a notice in writing on every person who is liable for the BID levy in relation to the BID arrangements for the period.

(2) Different demand notices shall be served for different chargeable periods.

(3) A demand notice shall be served with respect to the amount or amounts payable for every relevant property and in respect of which a person or persons are liable for the BID levy.

(4) A demand notice served under sub-paragraph (3) may relate to the amount payable in respect of more than one relevant property, and the amounts due under such a notice, and the times at which they fall due, shall be determined as if separate notices were served in respect of each relevant property.

(5) Subject to sub-paragraph (6), a demand notice shall be served on or as soon as practicable after—

(a) except in a case falling within paragraph (b), the first day of the relevant period; or

(b) if the person only falls within the description of person to be liable to the BID levy specified in the BID arrangements (as regards the relevant property concerned) after the day mentioned in paragraph (a), the first day after the day on which that person falls within that description.

(6) A demand notice may be served before the beginning of the relevant period on a person who, on the day it is issued, the billing body considers will fall within the description of person to be liable to the BID levy specified in the BID arrangements as regards the relevant property to which it relates; and if it is so served, any reference in this Schedule to a person who is liable for the BID levy shall, in relation to that notice, be construed as a reference to that person.

### **Content of demand notices**

3.—(1) A demand notice shall contain—

(a) the address and description of each relevant property to which the notice relates;

(b) a statement of how the BID levy is calculated for each relevant property to which the notice relates and the amount of the BID levy payable;

(c) a statement of the days on which, for the purposes of calculating the payments required to be made under the notice, the billing body understands that the person who is liable for the BID levy, in respect of the relevant property, fell within the description of persons who are to be liable for the BID levy for the chargeable period in question; and

(d) the date or dates on which payment of the BID levy is due to be made.

(2) A billing body may, when it serves a demand notice, supply to the person upon whom the notice is served the following information—

(a) the revenue from the BID levy the billing body was due to receive in the previous year;

(b) the amount spent on the BID arrangements in the previous year;

(c) a description of the matters on which that amount was spent; and

(d) a description of the matters on which it is intended to spend the revenue from the BID levy in the financial year.

### **Invalid notices**

4.—(1) Where a demand notice does not comply with paragraph 3, it is invalid.

(2) Notwithstanding sub-paragraph (1), where—

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- (a) a demand notice is invalid because it does not comply with paragraph 3(1);
- (b) the failure so to comply was due to a mistake; and
- (c) the amounts required to be paid under the notice were demanded in accordance with paragraph 3(1),

the requirement to pay those amounts shall apply as if the notice were valid.

(3) Where a requirement to pay an amount under an invalid notice subsists by virtue of sub-paragraph (2), the billing body shall as soon as practicable after the mistake is discovered issue to the person who is liable to pay the BID levy an amended notice under paragraph 3(1).

### **Payment under demand notices**

5.—(1) If a demand notice is served before or during the relevant period and, on the day on which the notice is served, it appears to the billing body that the person falls within the description as mentioned in paragraph 2(7) as regards the relevant property to which the notice relates, the notice shall require payment of an amount equal to the billing body's estimate of the amount payable for the period.

(2) In making an estimate under sub-paragraph (1), the billing body shall assume, as respects a period which falls after the issue of the notice, that the person will continue to fall within the description as mentioned in paragraph 2(7).

(3) If a demand notice is served during the relevant period but sub-paragraph (1) does not apply, the notice shall require payment of the amount payable for the period up to the day on which the person last fell within the description as mentioned in paragraph 2(7), as regards the relevant property concerned.

(4) If, after a notice is served to which sub-paragraph (3) applies, the person again falls within the description of the person as mentioned in paragraph 2(7) in the relevant period, as regards the relevant property concerned, a further notice shall be served on that person requiring payment of the amount payable in relation to the relevant property for the period beginning with the day on which the person again falls within the description.

(5) Where a further notice is served under sub-paragraph (4), paragraphs 2(6) and (7), 5, 6 and 7 shall apply to the further notice with respect to the period referred to in sub-paragraph (4) as if it were a demand notice, and the person had not previously fallen within the description of person to be liable for the BID levy specified in the BID arrangements.

(6) If a demand notice is served after the end of the relevant period, it shall require payment of the amount payable for the period.

### **Payments under demand notices: further provision**

6.—(1) Unless an agreement under sub-paragraph (3) in relation to the relevant period has been reached before the demand notice is served, a notice to which paragraph 5(1), (3) or (5) applies shall require the amount payable or the estimate of the amount payable to be paid on expiry of such period (being not less than 14 days) after the day of service of the notice as is specified in the notice.

(2) If an agreement under sub-paragraph (3) in relation to the relevant period has been reached before the demand notice is served, a notice to which paragraph 5(1), (3) or (5) applies shall require the amount payable or the estimate of the amount payable to be paid in accordance with that agreement.

(3) A billing body and a person who is liable for the BID levy may agree that the amount payable or the estimate of the amount payable under a notice to which paragraph 5(1), (3) or (5) applies should be paid in such manner as is provided by the agreement.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(4) Notwithstanding anything in the preceding provisions of this paragraph, such an agreement may be entered into either before or after the demand notice concerned is served, and may make provision for the cessation or adjustment of payments, and for the making of fresh estimates, in the event of the estimate mentioned in paragraph 5(1) turning out to be wrong; and if it is entered into after the demand notice has been served, it may make provision dealing with the treatment for the purposes of the agreement of any sums paid before it was entered into.

(5) No payment in respect of the amount payable by a person who is liable for the BID levy in relation to a relevant property for any chargeable period need be made unless a notice served under this Schedule requires it.

(6) In calculating and collecting an amount of BID levy which is payable where the amount would but for this sub-paragraph include an amount which—

- (a) would not be expressed as a whole number of pounds it shall be so expressed by the rounding down of any fraction of a pound less than one half and the rounding up of any other fraction of a pound; or
- (b) is not a whole penny it shall be rounded to the nearest penny and 0.5 of a penny shall be rounded up.

#### **Demand notices: final adjustment**

7.—(1) This paragraph applies where—

- (a) a notice has been served by a billing body under this Schedule requiring payment to be made by a person who is liable for the BID levy in respect of the amount payable in relation to a relevant property for a chargeable period or part of a chargeable period;
- (b) the payment required to be made is found to be in excess of or less than the amount payable in relation to the relevant property for the period or the part thereof; and
- (c) provision for adjusting the amounts required under the notice and (as appropriate) for the making of additional payments, or the repaying or crediting of any amount overpaid, is not made by any other provision of this Schedule or of any agreement entered into under paragraph 6(3).

(2) The billing body shall as soon as practicable after the expiry of the period or the part of a period serve a further notice on the person who is liable for the BID levy stating the amount payable for the period or part in relation to the relevant property, and adjusting (by reference to that amount) the amounts required to be paid under the notice referred to in sub-paragraph (1)(a).

(3) If the amount stated in the further notice is greater than the amount required to be paid under the notice referred to in sub-paragraph (1)(a), then the amount of the difference for which such other provision as mentioned in sub-paragraph (1)(c) is not made shall be due from the person who is liable to pay the BID levy, to the billing body on the expiry of such period (being not less than 14 days) after the day of service of the notice as is specified in it.

(4) If there has been an overpayment in respect of any liability for the BID levy under this Schedule, the amount overpaid for which such other provision as is mentioned in sub-paragraph (1)(c) is not made—

- (a) shall be repaid if the person who made the overpayment so requires; or
- (b) in any other case shall (as the billing body determines) either be repaid or be credited against any subsequent liability of the person in respect of the BID levy.

#### **Crown application**

8. The provisions of this Schedule, with the exception of paragraph 10, apply to the Crown as they apply to other persons.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Appeals against the BID levy**

9.—(1) In respect of each BID levy imposed in respect of a business improvement district in the area of a district council, that district council shall fix a date on or before which any person may lodge, with the officer of the council designated for the purpose, an appeal against the BID levy claimed from that person on the ground that the BID levy is being improperly charged, and another date on or before which any appeal shall be heard by the district council or a committee thereof.

(2) A demand notice shall contain a notice of the date by which appeals may be lodged and state the name or designation and the address of the officer with whom appeals may be lodged, and if the date for the hearing of appeals is not notified in the demand notice, notice in writing thereof shall be given on behalf of the council to the persons appealing.

(3) Every district council may if they think fit make rules with respect to the lodging and hearing of appeals under this paragraph and such rules must not be inconsistent with the provisions of the 2013 Act.

(4) In relation to joint arrangements, a person lodging an appeal in terms of this paragraph shall lodge the appeal with one of the district councils making the joint arrangements, and in that circumstance, the district council with which the appeal is lodged shall arrange and hear the appeal in accordance with the requirements in sub-paragraphs (1) and (2).

### **Recovery of BID levy**

10. The district council may require the billing body to recover any amount of unpaid BID levy, and the district council may recover this amount as a civil debt due to it.