
STATUTORY INSTRUMENTS

2014 No. 3204

The Business Improvement Districts (Property Owners) (England) Regulations 2014

Citation, commencement and application

1.—(1) These Regulations may be cited as the Business Improvement Districts (Property Owners) (England) Regulations 2014 and come into force on the day after the day on which they are made.

(2) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

“the 1988 Act” means the Local Government Finance Act 1988(1);

“the 2009 Act” means the Business Rate Supplements Act 2009;

“the 1989 Regulations” means the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(2) as modified by paragraph 9 of Schedule 4 below;

“alteration ballot” has the meaning given in regulation 19;

“alteration proposals” means proposals in relation to the alteration of BRS-BID arrangements pursuant to regulation 19;

“the amount payable” for a chargeable period or part of a chargeable period in relation to a particular person, a relevant billing authority and a hereditament means—

(a) the amount that person is liable to pay to the authority as regards the hereditament in respect of the period or part thereof under section 46 of the 2003 Act by virtue of that person falling within the description of persons liable to the BRS-BID levy in the BRS-BID arrangements; or

(b) where an amount falls to be credited by the authority against that person’s liability in respect of the period or part thereof, the amount (if any) by which the amount referred to in sub-paragraph (a) exceeds the amount falling to be so credited;

“ballot holder” has the meaning given in regulation 7;

“barcode” means marks—

(a) appearing on the ballot paper and containing in an encoded form information relating to a voter and a ballot;

(b) capable of being scanned electronically in a manner that permits the encoded information contained in the marks to be decoded; and

(1) 1988 c. 41; relevant amendments were made by the Local Government Finance Act 1992 (c. 14), section 104 and Schedule 10; by the Local Government and Housing Act 1989, section 139 and Schedule 5 and by the Local Government Act 2003 (c. 26), section 66.

(2) S.I. 1989/1058, relevant amendments were made by S.I. 2010/752.

(c) in which the information encoded in the marks cannot be decoded when read only by the human eye;

“BID revenue account” means the revenue account kept by a billing authority under section 47(1) of the 2003 Act⁽³⁾ for the purposes of BID arrangements;

“BRS-BID ballot” means a ballot under paragraph 5 of Schedule 2 to the 2009 Act;

“BRS-BID body” means, where a local authority BRS-BID body is not responsible for implementing the BRS-BID arrangements, the body (whether corporate or not corporate) responsible for the implementation of the arrangements;

“BRS-BID proposer” means a person or body referred to in regulation 4(1), other than a relevant billing authority;

“chargeable period” means any period for which BRS-BID levy is imposed which is specified in accordance with paragraph 3(2) of Schedule 2 to the 2009 Act;

“commencement date” subject to regulation 11(2), means the day, pursuant to section 53 of the 2003 Act, the BRS-BID arrangements are to come into force;

“in data form” means in a form which ensures that the information is capable of being processed by means of equipment operating automatically in response to instructions given for that purpose;

“the day of the ballot” means the day determined by the ballot holder, in accordance with Schedule 2, as the day by which ballot papers must be returned to him;

“demand notice” means the notice required to be served under paragraph 2(1) of Schedule 4;

“electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

(a) by means of an electronic communications service (within the meaning of the Communications Act 2003⁽⁴⁾); or

(b) by other means but while in electronic form;

“geographical area of the BID” means the geographical area of the business improvement district in respect of which the BRS-BID arrangements are proposed or made;

“hereditament” means anything which is or is treated as being a hereditament by virtue of the provisions of or any provisions made under section 64⁽⁵⁾ of the 1988 Act including any hereditament to which regulation 6 of the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989⁽⁶⁾ applies but otherwise excluding any hereditament to which regulations made under section 64(3)(b) of the 1988 Act apply;

“joint BRS-BID arrangements” has the meaning given in regulation 22;

“liability order” has the meaning given in regulation 10 of the 1989 Regulations;

“local authority BRS-BID body” means, where the relevant billing authority or a company under the control of the authority (within the meaning given in section 68 of the Local Government and Housing Act 1989⁽⁷⁾) is responsible for implementing the BRS-BID arrangements, that person;

“person entitled to vote” has the meaning given in regulation 9;

(3) The Local Government Act 2003 (c. 26) - see paragraph 11 of Schedule 2 to the Business Rate Supplements Act 2009 for meaning of “the 2003 Act”

(4) 2003 c. 21. Relevant amendments were made by S.I. 2011/1210.

(5) Relevant amendments to section 64 were made by the Local Government and Housing Act 1989 (c. 42), section 139 and Schedule 5; the Local Government Finance Act 1992 (c. 14), section 104 and Schedule 10; the Local Government and Rating Act 1997 (c. 97), section 3 and Schedule 3; the Local Government Act 2003, section 66.

(6) S.I. 1989/1060 amended by S.I. 1989/2303.

(7) Section 68 was repealed by the Local Government and Public Involvement in Health Act 2007 (c. 28), sections 216 and 241 and Schedule 18, from a date to be appointed. It was amended by S.I. 2007/2194, 2008/948 and 2009/1941.

“re-ballot” means a BRS-BID ballot, renewal ballot, or alteration ballot, as the case may be, which is required to be arranged pursuant to regulation 11(10);

“relevant billing authority” means the billing authority for the geographical area of the BID;

“relevant property interest” has the same meaning as paragraph 2(6) of Schedule 2 to the 2009 Act;

“renewal ballot” means a ballot under section 54(2) of the 2003 Act;

“renewal proposals” means proposals in relation to the renewal of the BRS-BID arrangements under section 54(2) of the 2003 Act;

“veto” means a veto by the relevant billing authority pursuant to paragraph 7(2) of Schedule 2 to the 2009 Act;

“veto notice” means a notice given by a billing authority pursuant to section 51(4) of the 2003 Act;

“voter list” has the meaning given in regulation 13; and

“working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(8).

Prescribed relevant property interests

3. The following descriptions of interest in a hereditament are prescribed for the purposes of paragraph 2(6) of Schedule 2 to the 2009 Act—

- (a) freehold;
- (b) leasehold;
- (c) commonhold.

BRS-BID proposer

4.—(1) The following persons may draw up BRS-BID proposals—

- (a) any person who, on the date he sends BRS-BID proposals to the relevant billing authority under regulation 6—
 - (i) is a person with a relevant property interest in relation to a hereditament situated in the area to be comprised in such proposals; or
 - (ii) is a body (whether corporate or not corporate) one of whose purposes is developing BRS-BID proposals; and
- (b) the relevant billing authority.

(2) Subject to paragraph (3), a BRS-BID proposer shall, at least 84 days before sending the notice required under regulation 5(2)(a)(ii), notify the relevant billing authority and the Secretary of State in writing of the proposer’s intention of asking the relevant billing authority to put the BRS-BID proposals to a ballot.

(3) Where a relevant billing authority draws up BRS-BID proposals, it shall, at least 84 days before instructing the ballot holder to hold a BRS-BID ballot, notify the Secretary of State of its intention to do so.

BRS-BID proposals, renewal proposals, alteration proposals and preliminary procedures

5.—(1) BRS-BID proposals, renewal proposals or alteration proposals, shall include the matters mentioned in paragraphs 1, 2 and 3 of Schedule 1 as the case may be.

(2) Where a BRS-BID proposer decides to seek approval of BRS-BID proposals in a BRS-BID ballot or the BRS-BID body decides to seek approval of alteration proposals in an alteration ballot or renewal proposals in a renewal ballot, it shall—

- (a) send to the relevant billing authority—
 - (i) a copy of the BRS-BID proposals, alteration proposals or renewal proposals, as the case may be, together with a summary of—
 - (aa) the consultation it has undertaken with those persons who are to be liable for the proposed BRS-BID levy;
 - (bb) the proposed business plan (including the estimated cashflow, an estimate of the predicted revenue to be generated and the predicted expenditure to be spent under the BRS-BID arrangements, the predicted budget over the duration of the BRS-BID arrangements and the contingency margin included in the budget); and
 - (cc) the financial management arrangements for the BRS-BID body, and the arrangements for periodically providing the relevant billing authority with information on the finances of the BRS-BID body; and
 - (ii) a notice in writing requesting the relevant billing authority to instruct the ballot holder to hold a BRS-BID ballot in relation to the BRS-BID proposals, an alteration ballot in relation to the alteration proposals or a renewal ballot in relation to the renewal proposals, as the case may be; and
- (b) provide the relevant billing authority with such information as it shall reasonably require to satisfy itself that the BRS-BID proposer or, as the case may be, the BRS-BID body, has sufficient funds to meet the costs of the BRS-BID ballot, the alteration ballot, the renewal ballot, or the re-ballot in relation to the BRS-BID ballot, the alterations ballot, or the renewal ballot, as the case may be, should it be required to do so under regulation 12.

(3) Where a relevant billing authority draws up BRS-BID proposals, it shall prepare a document setting out the proposed business plan (including the estimated cashflow, an estimate of the predicted revenue to be generated and the predicted expenditure to be spent under the BRS-BID arrangements and the contingency margin included in the budget).

(4) Where—

- (a) a BRS-BID proposer or a relevant billing authority decides to seek approval of BRS-BID proposals in a BRS-BID ballot;
- (b) a BRS-BID body or a local authority BRS-BID body, as the case may be, decides to seek approval of alteration proposals in an alteration ballot or renewal proposals in a renewal ballot,

it shall send a copy of the BRS-BID proposals, alteration proposals, or renewal proposals, as the case may be, and the proposed business plan, to any person who is to be liable for the proposed BRS-BID levy who requests a copy.

(5) Where the relevant billing authority is of the view that the BRS-BID proposals, renewal proposals or alteration proposals conflict with a policy formally adopted by and contained in a document published by the authority (whether or not the authority is under a statutory duty to prepare such document) the authority shall, as soon as reasonably practicable after receiving the proposals, notify the BRS-BID proposer or BRS-BID body, as the case may be, in writing explaining the nature of that conflict.

Instructions to hold a BRS-BID ballot, renewal ballot, alteration ballot or re-ballot

- 6.—(1) Where the relevant billing authority—
- (a) subject to paragraph (2), receives a notice pursuant to regulation 5(2)(a)(ii);
 - (b) in the case where a local authority BRS-BID body is responsible for implementing the BRS-BID arrangements, decides to seek approval of alteration proposals or renewal proposals, as the case may be;
 - (c) receives a notification from the Secretary of State under regulation 11(10) requiring it to arrange a re-ballot; or
 - (d) decides to seek approval of BRS-BID proposals which it has drawn up,

it shall instruct the ballot holder to hold a BRS-BID ballot, a renewal ballot, an alteration ballot or re-ballot, as the case may be.

(2) Where the relevant billing authority receives a notice pursuant to regulation 5(2)(a)(ii), it shall not be required to instruct the ballot holder under paragraph (1) until such time as the BRS-BID proposer or BRS-BID body, as the case may be, complies with the requirements of regulation 5(1) and (2).

(3) As soon as practicable after instructing the ballot holder to hold a ballot, the billing authority shall give written notice that it has done so to the person who draws up the BRS-BID proposals, the BRS-BID body or the local authority BRS-BID body, as the case may.

Ballot holder

7.—(1) The person who holds a BRS-BID ballot, renewal ballot, alteration ballot or re-ballot (“the ballot holder”) shall be the person the relevant billing authority has appointed under section 35 of the Representation of the People Act 1983(9) as the returning officer for elections to that authority.

(2) The ballot holder may appoint one or more persons to discharge all or any of the ballot holder’s functions under these Regulations.

Arrangements for holding a ballot and conduct of a ballot

8. On receipt of an instruction under regulation 6, the ballot holder shall make arrangements for conducting a BRS-BID ballot, alteration ballot, renewal ballot or re-ballot, as the case may be, in accordance with Schedule 2.

Persons entitled to vote

9.—(1) A person shall be entitled to vote in a BRS-BID ballot, an alteration ballot or a re-ballot in respect of a BRS-BID ballot or an alteration ballot if, on the date the ballot holder publishes the notice under paragraph 3(a) of Schedule 2, that person—

- (a) falls within the class of relevant property owners to be liable for the BRS-BID levy described in the BRS-BID proposals or the alteration proposals, as the case may be; and
- (b) appears on the voter list.

(2) A person shall be entitled to vote in a renewal ballot or a re-ballot in respect of a renewal ballot if, on the date the ballot holder publishes the notice under paragraph 3(a) of Schedule 2, that person—

(9) 1983 c. 2. Relevant amendments were made by the Local Government Act 1985 (c. 51), sections 18, 19, and 102 and Schedules 9, 16 and 17; by the Education Reform Act 1988 (c. 40), section 237 and Schedule 13; and by the Greater London Authority Act 1999 (c. 29), section 17 and Schedule 3.

- (a) falls within the class of relevant property owners who on that date are liable for the BRS-BID levy; and
- (b) appears on the voter list.

Approval in ballot

10.—(1) For the purposes of paragraph 5(5) of Schedule 2 to the 2009 Act, “A” is calculated by aggregating the rateable values of each hereditament in respect of which a person voted in the BRS-BID ballot.

(2) For the purposes of paragraph 5(6) of that Schedule, “B” is calculated by aggregating the rateable values of each hereditament in respect of which a person voted in the BRS-BID ballot.

(3) For the purposes of paragraphs (1) and (2), in any case where more than one person votes in the BRS-BID ballot in respect of the same hereditament, the rateable value attributable to that hereditament, as respects each person voting in the BRS-BID ballot, is its rateable value divided by the total number of such persons.

Declaring a ballot void

11.—(1) Subject to paragraph (3), the Secretary of State may declare void a BRS-BID ballot, renewal ballot, alteration ballot or re-ballot if it appears to him that a material irregularity has occurred.

(2) In this regulation, “material irregularity” means—

- (a) a contravention of any requirement of these Regulations which, in the Secretary of State’s opinion, means it is likely that voting in the BRS-BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, has been affected to a significant extent by the contravention;
- (b) persons other than persons entitled to vote have purported to vote in the BRS-BID ballot and, in the Secretary of State’s opinion, it is likely that the result of the BRS-BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, has been affected to a significant extent; or
- (c) persons entitled to vote have been prevented from voting or hindered from doing so freely in accordance with their own opinion and, in the Secretary of State’s opinion, it is likely that the result of the BRS-BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, has been affected to a significant extent.

(3) Paragraph (1) shall not apply unless, by the date which is 28 days after the notice of the result is published pursuant to paragraph 17 of Schedule 2, a person (“the complainant”), being a person or group of persons referred to in paragraph (4), has made a request (by notice given in writing) to the Secretary of State to exercise his powers under this regulation, specifying the reason for the request.

(4) The persons mentioned in paragraph (3) are—

- (a) the BRS-BID proposer or the BRS-BID body;
- (b) at least 5% of the number of persons entitled to vote in the BRS-BID ballot, renewal ballot, alteration or re-ballot, as the case may be; or
- (c) the relevant billing authority.

(5) On receipt of a request under paragraph (3) the Secretary of State shall notify the following persons in writing that he has received the request and send a copy to each of them—

- (a) the relevant billing authority;
- (b) the BRS-BID proposer or the BRS-BID body, as the case may be;
- (c) the complainant, unless the complainant is a person described in sub-paragraph (a) or (b).

(6) Where two or more requests relate to the same ballot, the Secretary of State may decide those requests together.

(7) Within 28 days of the date of the notice given by the Secretary of State under paragraph (5) the complainant, the relevant billing authority and the BRS-BID proposer or the BRS-BID body, as the case may be, may serve on the Secretary of State written representations in respect of the request.

(8) A copy of the representations made by one party shall be sent by the Secretary of State to the other parties and shall be accompanied by a statement explaining the effect of paragraph (9).

(9) Any party to whom a copy of representations is sent under paragraph (8) may within 14 days of receiving them serve on the Secretary of State further written representations in reply and the Secretary of State shall send a copy of any such further representations to the other parties.

(10) The Secretary of State shall notify the complainant, the relevant billing authority and the BRS-BID proposer or the BRS-BID body, as the case may be, in writing of his decision and where he declares void a BRS-BID ballot, renewal ballot, alteration ballot or re-ballot, he shall notify the relevant billing authority in writing requiring it to arrange for a re-ballot or, as the case may be, a further re-ballot to be held.

(11) Where the Secretary of State declares void a BRS-BID ballot, a renewal ballot, an alteration ballot or a re-ballot in relation to such a ballot and he is of the opinion that the material irregularity was caused by the actions or omissions of the BRS-BID proposer or BRS-BID body, as the case may be, he shall issue a notice in writing to that effect with his decision notice and, he shall include in the notice an explanation of the effect of regulation 12.

(12) Where the Secretary of State declares void a BRS-BID ballot, a renewal ballot, an alteration ballot or a re-ballot in relation to such a ballot—

- (a) the BRS-BID arrangements, the renewed BRS-BID arrangements or the alterations to the BRS-BID arrangements, to which the ballot declared void relates, shall not come into force on the commencement date; and
- (b) subject to paragraph (13), the BRS-BID arrangements, the renewed BRS-BID arrangements or the alterations to the BRS-BID arrangements, if subsequently approved in the re-ballot, shall come into force on such day as the relevant billing authority determines.

(13) The day determined under paragraph (12) shall be no later than a year after the date the notice of the result is published pursuant to paragraph 17 of Schedule 2.

Payment of costs of a ballot

12.—(1) This paragraph applies where the number of persons voting in the ballot who have voted in favour is less than 20% of the number of persons entitled to vote in the ballot and—

- (a) the proposals were not approved in the ballot; or
- (b) the Secretary of State issues a notice under regulation 11(11) in relation to the ballot.

(2) Where paragraph (1) applies the relevant billing authority may require the BRS-BID proposer or the BRS-BID body, as the case may be, to pay the costs of arranging and holding the ballot and the relevant billing authority may recover this amount as a civil debt due to it.

(3) The costs referred to in paragraph (2) include any expenses properly incurred by the ballot holder and charged to the relevant billing authority pursuant to regulation 21.

Voter list and other information

13.—(1) As soon as practicable after the ballot holder is instructed to hold a ballot under regulation 6(1), the person who draws up the BRS-BID proposals shall—

- (a) prepare a document (“the voter list”) showing (as far as reasonably practicable) the name and address of each person entitled to vote in the BRS-BID ballot and the address and rateable value of each hereditament to which that person’s relevant property interest relates;
 - (b) provide a copy of the voter list in data form to the ballot holder as soon as practicable after the ballot holder is instructed;
 - (c) unless the relevant billing authority has drawn up the proposals, send a copy of the voter list in data form to the relevant billing authority; and
 - (d) make available for inspection by any person a copy of the voter list at premises within the geographical area of the BID.
- (2) On receiving a request made in accordance with paragraph (3) from any person who, or any group of persons which, represents 5% or more of the persons who are eligible to vote in the BRS-BID ballot the person who draws up the BRS-BID proposals shall supply a copy of the voter list to the person or group of persons concerned in data form.
- (3) A request under paragraph (2) shall—
- (a) be made in writing;
 - (b) identify the BRS-BID ballot in relation to which the request is made; and
 - (c) confirm that the person or group of persons making the request intends to make use of the voter list only for the purpose of canvassing persons entitled to vote in the BRS-BID ballot identified in the request made pursuant to paragraph (2).
- (4) The relevant billing authority shall supply to the ballot holder any information the ballot holder requires for the purposes of carrying out the ballot holder’s functions under these Regulations.
- (5) This regulation applies in relation to an alteration ballot or renewal ballot as if—
- (a) any reference to a BRS-BID ballot were a reference to an alteration ballot or renewal ballot, as the case may be;
 - (b) any reference to the person who draws up the BRS-BID proposals were a reference to the BRS-BID body or local authority BRS-BID body, as the case may be.

Veto of BRS-BID proposals

- 14.—**(1) For the purposes of paragraph 7(2) of Schedule 2 to the 2009 Act, the prescribed circumstances are that the relevant billing authority is of the opinion that—
- (a) the BRS-BID arrangements are likely to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority (whether or not the authority is under a statutory duty to prepare such document); or
 - (b) the BRS-BID arrangements are likely to be a significantly disproportionate financial burden on any person or class of persons (as compared to the other persons with a relevant property interest in the geographical area of the BID) and—
 - (i) that burden is caused by the manipulation of the geographical area of the BID or by the structure of the BRS-BID levy; and
 - (ii) that burden is inequitable; or
 - (c) the BRS-BID proposer has failed to comply with the duty imposed by regulation 13(1)(a).
- (2) For the purposes of paragraph 7(2) of Schedule 2 to the 2009 Act, the prescribed period is 14 working days beginning with the day after the day of the ballot.
- (3) For the purposes of paragraph 7(3) of Schedule 2 to the 2009 Act, the prescribed matters to which the relevant billing authority shall have regard in deciding whether to exercise its veto are—

- (a) the level of support (as evidenced by the result of the BRS-BID ballot or re-ballot of a BRS-BID ballot, as the case may be) for the BRS-BID proposals;
- (b) the nature and extent of the conflict referred to in paragraph (1)(a);
- (c) in relation to paragraph (1)(b), the structure of the proposed BRS-BID levy and how the financial burden of the BRS-BID is to be distributed amongst persons with a relevant property interest in the geographical area of the BID;
- (d) the extent to which the BRS-BID proposer discussed the BRS-BID proposals with the authority before submitting the BRS-BID proposals to the authority under regulation 5;
- (e) the cost incurred by any person up to the end of the period prescribed in paragraph (2) in developing the BRS-BID proposals and canvassing in relation to the BRS-BID proposals; and
- (f) the nature and extent of the failure referred to in paragraph (1)(c).

Appeal against veto

15.—(1) A person (“the appellant”) who wishes to appeal against a veto shall serve on the Secretary of State, within 28 days of the veto notice being given by the relevant billing authority, a notice in writing (“the appeal notice”) accompanied by a statement of the reasons for which the appeal is made.

(2) On receipt of the appeal notice the Secretary of State shall—

- (a) notify the appellant and the relevant billing authority, in writing, that he has received the appeal notice; and
- (b) send a copy of the appeal notice to the relevant billing authority.

(3) Where two or more appeal notices relate to the same veto, the Secretary of State may decide those appeals together.

(4) The appeal shall be determined by way of written representations to be made to the Secretary of State.

(5) Within 28 days of the date of the notice given by the Secretary of State under paragraph (2), the appellant and the relevant billing authority may serve on the Secretary of State written representations in respect of the appeal.

(6) A copy of the representations made by one party to the appeal shall be sent by the Secretary of State to the other parties to the appeal and shall be accompanied by a statement explaining the effect of paragraph (7).

(7) Any party to an appeal to whom a copy of representations is sent under paragraph (6) may within 14 days of receiving them serve on the Secretary of State further written representations in reply and the Secretary of State shall send a copy of any such further representations to the other parties to the appeal.

(8) In deciding whether to allow an appeal, the Secretary of State shall take into account the following matters—

- (a) the level of support (as evidenced by the result of the BRS-BID ballot or re-ballot of a BRS-BID ballot, as the case may be) for the BRS-BID proposals;
- (b) the nature and extent of the conflict referred to in paragraph (1)(a) of regulation 14;
- (c) in relation to paragraph (1)(b) of regulation 14, the structure of the proposed BRS-BID levy and how the financial burden of the BRS-BID is to be distributed amongst persons with a relevant property interest in the geographical area of the BID;
- (d) the extent to which the BRS-BID proposer discussed the BRS-BID proposals with the authority before submitting the BRS-BID proposals to the authority under regulation 5;

- (e) whether, after the date on which the notice pursuant to regulation 5(2)(a)(ii) is received, the relevant billing authority changed any policy formally adopted by and contained in a document published by the authority so that such policy then conflicted with the BRS-BID proposals;
- (f) the cost incurred by any person up to the end of the period prescribed in regulation 14(2) in developing the BRS-BID proposals and canvassing in relation to the BRS-BID proposals; and
- (g) the nature and extent of the failure referred to in paragraph (1)(c) of regulation 14.

(9) As soon as reasonably practicable after a decision has been made, the Secretary of State shall send notice of his decision in writing to the appellant and the relevant billing authority.

BID Revenue Account

16.—(1) Schedule 3 shall have effect with respect to the keeping of the BID Revenue Account in respect of BRS-BID arrangements, as follows—

Part 1—Credits to the account;

Part 2—Debits to the account.

(2) Where the relevant billing authority has more than one set of BRS-BID arrangements it shall ensure a separate BID Revenue Account is kept for each of the BRS-BID arrangements.

(3) This paragraph applies where BRS-BID arrangements come to an end (whether by reason of termination under regulation 20 or otherwise) and there is a credit to the BID Revenue Account which, after deducting a reasonable sum for the cost of administering the arrangements for crediting or refunding the amount, would provide a credit or refund of at least £5 for each person who was liable to pay the BRS-BID levy immediately prior to the end of the BRS-BID arrangements (in this regulation, a “previous levy payer”).

(4) Where paragraph (3) applies the relevant billing authority shall—

- (a) calculate the amount of the credit to the BID Revenue Account (after the deduction referred to in paragraph (3) has been made) which is to be credited or refunded to each previous levy payer;
- (b) ensure the amount to be credited or refunded to each previous levy payer is calculated by reference to the amount of the BRS-BID levy each previous levy payer was liable to pay for the last chargeable period of the BRS-BID arrangements; and
- (c) make arrangements for the amount so calculated to be credited against any liability by way of non-domestic rates of each previous levypayer or, where there is no liability for that person by way of non-domestic rates, for the amount to be refunded to that person.

(5) Where paragraph (3) does not apply, the relevant billing authority shall carry the credit balance in the BID Revenue account to the credit of its general fund.

Administration of the BRS-BID levy etc

17. The relevant billing authority shall, by the commencement date, provide for the imposition, administration, collection, recovery and application of the BRS-BID levy and Schedule 4 shall have effect with respect to those matters.

Alteration of BRS-BID arrangements without an alteration ballot

18.—(1) Subject to paragraphs (2) to (4), BRS-BID arrangements may be altered without an alteration ballot where the arrangements include a provision to that effect.

- (2) No provision mentioned in paragraph (1) may alter the BRS-BID levy in such a way that would—
- (a) cause any person to be liable to pay the BRS-BID levy who was not previously liable to pay; or
 - (b) increase the BRS-BID levy for any person.
- (3) Where paragraph (1) applies, the BRS-BID arrangements must include a provision describing the procedure to make the alteration.
- (4) The procedure referred to in paragraph (3) must include—
- (a) where there is a BRS-BID body, a consultation between the BRS-BID body and the relevant billing authority; and
 - (b) where a local authority BRS-BID body is responsible for implementing the BRS-BID arrangements, a consultation between the relevant billing authority and such representatives of the business community for the geographical area of the BID as the authority considers appropriate.
- (5) Where the BRS-BID arrangements are altered pursuant to this regulation—
- (a) the billing authority shall ensure the BRS-BID arrangements (as altered) are made by the time those BRS-BID arrangements (as altered) are to come into force and shall send a notice in writing explaining the reason for and the effect of the alteration to each person liable for the BRS-BID levy; and
 - (b) sections 44, 46(3) and (4) and 47 of the 2003 Act, paragraphs 3 and 4 of Schedule 2 to the 2009 Act and regulations 16 to 20 and Schedules 3 and 4 shall have effect from the date the BRS-BID arrangements (as altered) come into force as if a reference in each of those provisions to “BRS-BID arrangements” were a reference to the BRS-BID arrangements as altered.

Alterations of the BRS-BID arrangements following a ballot

19.—(1) Where there is a proposal to alter—

- (a) BRS-BID arrangements and those arrangements do not include a provision allowing for the arrangements to be altered without a ballot; or
- (b) the BRS-BID levy in such a way that would—
 - (i) cause any person to be liable to pay the BRS-BID levy who was not previously liable to pay; or
 - (ii) increase the BRS-BID levy for any person,

the BRS-BID body or, where a local authority BRS-BID body is responsible for implementing the BRS-BID arrangements, the relevant billing authority may alter the BRS-BID arrangements in accordance with this regulation.

(2) An alteration of the BRS-BID arrangements under this regulation is not to come into force unless the alteration proposals are approved by a ballot of the persons who have a relevant property interest who are to be liable for the BRS-BID levy under the BRS-BID arrangements (as altered) (“an alteration ballot”) and they are not to be regarded as approved by an alteration ballot unless—

- (a) a majority of the persons voting in the alteration ballot have voted in favour of the alteration proposals; and
- (b) the aggregate of the rateable values of each hereditament in respect of which a person voting in the alteration ballot has voted in favour of the alteration proposals exceeds the aggregate of the rateable values of each hereditament in respect of which a person voting in the alteration ballot has voted against the alteration proposals.

- (3) Where BRS-BID arrangements are altered pursuant to this regulation—
- (a) the billing authority shall ensure the BRS-BID arrangements (as altered) are made by the time those BRS-BID arrangements (as altered) are to come into force; and
 - (b) sections 44, 46(3) and (4) and 47 of the 2003 Act, paragraphs 3 and 4 of Schedule 2 to the 2009 Act and regulations 16 to 20 and Schedules 3 and 4 shall have effect from the date the BRS-BID arrangements (as altered) come into force as if a reference in each of those provisions to “BRS-BID arrangements” were a reference to the BRS-BID arrangements as altered.

Termination of BRS-BID arrangements

- 20.**—(1) The relevant billing authority may terminate BRS-BID arrangements where—
- (a) in the opinion of the authority, the BRS-BID body will have insufficient finances to meet its liabilities for the current chargeable period and the authority has—
 - (i) offered the BRS-BID body a reasonable opportunity to arrange for financing the shortfall or for a reduction in the works or services under the BRS-BID arrangements which is sufficient to offset the shortfall; and
 - (ii) given those persons who are liable to the BRS-BID levy an opportunity, at a public meeting, to make representations in relation to the termination of the BRS-BID arrangements; or
 - (b) the authority is unable, due to any cause beyond the control of the authority, to provide works or services which are necessary for the BRS-BID to continue and the authority has—
 - (i) where there is a BRS-BID body, consulted the BRS-BID body and conducted a consultation with such representatives of the business community for the geographical area of the BID as the authority considers appropriate; and
 - (ii) where a local authority BRS-BID body is responsible for implementing the BRS-BID arrangements, conducted a consultation with such representatives of the business community for the geographical area of the BID as the authority considers appropriate.
- (2) Subject to paragraph (3), the BRS-BID body or, where a local authority BRS-BID body is responsible for implementing the BRS-BID arrangements, the relevant billing authority may terminate the BRS-BID arrangements where—
- (a) the works or services to be provided under the BRS-BID arrangements are no longer required; or
 - (b) the BRS-BID body or local authority BRS-BID body, as the case may be, is unable, due to any cause beyond its control, to provide works or services which are necessary for the BRS-BID to continue.
- (3) The BRS-BID body or, where a local authority BRS-BID body is responsible for implementing the BRS-BID arrangements, the relevant billing authority shall take no steps to terminate the BRS-BID arrangements until—
- (a) where there is a BRS-BID body, it has consulted the relevant billing authority and conducted a consultation with such representatives of the business community for the geographical area of the BID as the authority considers appropriate; and
 - (b) where a local authority BRS-BID body is responsible for implementing the BRS-BID arrangements, the relevant billing authority has conducted a consultation with such representatives of the business community for the geographical area of the BID as the authority considers appropriate.

(4) The relevant billing authority shall notify the BRS-BID body in writing of its intention to terminate the BRS-BID arrangements under paragraph (1) or (2) at least 28 days before the date of the termination.

(5) The BRS-BID body shall notify the relevant billing authority in writing of its intention to terminate the BRS-BID arrangements under paragraph (2) at least 28 days before the date of the termination.

(6) Where BRS-BID arrangements are terminated under this regulation or where the BRS-BID arrangements otherwise come to an end, the relevant billing authority shall, as soon as is reasonably practicable, give notice of the termination in writing to each person liable for the BRS-BID levy and the notice shall include an explanation of whether a repayment under regulation 16(4) is to be made.

Expenses of the ballot holder

21. All expenditure properly incurred by the ballot holder in relation to the holding of a ballot under these Regulations shall be paid by the relevant billing authority.

Joint arrangements

22.—(1) Two or more billing authorities may make BRS-BID arrangements (“joint BRS-BID arrangements”) under Schedule 2 to the 2009 Act with respect to a business improvement district comprising all or part of the area of each of the authorities.

(2) In their application to joint BRS-BID arrangements, the 2003 Act and these Regulations have effect subject to the modifications in Schedule 5.

Electronic communication of requests, applications or notices

23.—(1) Subject to paragraph (2), a requirement in these Regulations that any request, application or notice should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic communication;
- (b) is received in legible form; and
- (c) is capable of being used for subsequent reference.

(2) Paragraph (1) shall not apply to any notice required or authorised to be given to or served by a billing authority on any person by Schedule 4 or any information required by paragraph 3(2) of that Schedule.

Signed by authority of the Secretary of State for Communities and Local Government

Penny Mordaunt
Parliamentary Under Secretary of State
Department for Communities and Local
Government

1st December 2014