

ROYAL BOROUGH OF KINGSTON UPON THAMES BUSINESS IMPROVEMENT DISTRICT (BID) AGREEMENT

RATEPAYERS AND THE BID LEVY

(Note: expressions used in this document have the same meaning as in the Local Government Finance Act 1988 (non-domestic rates))

1. The BID levy will be charged on all hereditaments listed in the local Non-Domestic Rating List and which are located within the BID area. The term “hereditament” is defined in Section 64(1) of the Local Government Finance Act 1988.
2. No individual hereditament within the BID area will be disregarded or exempted from the BID levy.
3. The BID levy will be set for chargeable periods (as defined in Section 45 of the Local Government Act 2003). Each chargeable period will be of a 12 month duration. The first chargeable period will begin on 1 January 2010. In accordance with Section 54 of the Local Government Act 2003, duration of the BID arrangement will not exceed five years.
4. For any chargeable period, the BID levy for each hereditament in the BID area, will be calculated at 1p in the £ of the Rateable Value shown (on the first day of that chargeable period) in the Local Non-Domestic Rating List (2005). For the first chargeable period, the levy will be calculated based on the Rateable Value shown in the Draft Local Non-Domestic Rating List (2010) as at 1 January 2010.
5. With respect to each hereditament, the BID levy will be calculated for the whole of each relevant chargeable period based on the details for that hereditament shown on the Local Non-Domestic Rating List (2010) on the first day of that chargeable period. The BID levy will not change during the chargeable period for subsequent or retrospective changes such as re-valuations, appeals, splits and mergers, demolitions or new properties. This includes where the Draft Local Non-Domestic Rating List (2010) is amended between 1 January 2010 and 31 March 2010.
6. The occupier of each hereditament within the BID area will (in relation to that hereditament) be the BID payer or liable party (as defined by rating regulations – Local Government Finance Act 1988 and General Rate Act 1967). For unoccupied hereditaments the BID payer will be the owner of the whole of the hereditament. The term ‘owner’ is defined in Section 65(1) of the Local Government Finance Act 1988. The BID payer will be liable for the full year’s levy on the first day of the chargeable period. On the first day of the chargeable period the BID payer will be liable to pay the whole BID levy for the whole of that chargeable period, even if the owner/occupier/lessee changes during that year.
7. There is no right to appeal against the basis of the levy or the calculation of the charge.

8. Billing and enforcement arrangements will be in accordance with Schedule 4 of the Business Improvement Districts (England) Regulations 2004 and are similar to those for National Non-Domestic Rate. The BID board is required to serve a demand notice on every person who is a BID payer of the BID area, in relation to each chargeable period.
9. The BID levy will be due on the first day of the chargeable Period.
10. Instalment Arrangements
 - (i) If the total BID levy for the chargeable period is £100 or less, then the levy will be payable in full by a single instalment on a date specified in the notice. This will normally be the first day of the relevant chargeable period.
 - (ii) If the total BID levy for the chargeable period is greater than £100.00 but less than £1,000.01, the amount will be payable by consecutive monthly instalments. The first instalment will be due on the first day of the first month of the chargeable period. The amount of each instalment is to be equal where the aggregate amount divided by the number of instalments is a multiple of £100.00. Where this is not the case, the last instalment will be adjusted, (eg if the BID levy is £450, then this will be payable in four instalments of £100 each and one of £50).
 - (iii) If the total BID levy for the whole chargeable period is greater than £1,000.00, the amount will be payable by ten consecutive monthly instalments. The first instalment will be due on the first day of the first month of the chargeable period. The amount of each instalment is to be equal where the aggregate amount divided by the number of instalments is a multiple of a pound. Where this is not the case, the first instalment will be adjusted.
11. Enforcement where non-payment of any instalment due has occurred will be subject to recovery actions as defined within Schedule 4 of the Business Improvement Districts (England) Regulations 2004. These are similar to those for Non-Domestic Rating as set out in the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989. Such actions include the issue of a reminder, Magistrates Court summons, collection agencies and distraint.
12. There will be no reduction to the BID levy. Exemptions, relief or discounts prescribed in regulations made under the Local Government Finance Act 1988, for the purposes of Non-Domestic Rates, will not apply. Those responsible for unoccupied and part-occupied hereditaments, and BID payers who are charities or non-profit making organisations, will be liable for the full charge. In exceptional circumstances, the full Board may consider remitting the charge. Decisions made by the full Board under the 'exceptional circumstance' rule must be unanimous.