

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 22: Removal of consultation requirements

Part 2: Measures affecting England and Wales

Local Government Act 2003: commencement of BID arrangements following appeal

883. *Paragraph 18* omits the duty to consult in section 53(7) of the Local Government Act 2003 which requires the Secretary of State in England, or the Welsh Ministers in Wales, to seek the views of billing authorities and ratepayers about the day on which Business Improvement District arrangements should come into force following an appeal against a veto.
884. By way of background, a Business Improvement District (“BID”) is a partnership arrangement between a local authority and the local business community to develop projects and services for the benefit of a defined area. The non-domestic ratepayers in the area pay a levy in return for the benefits outlined in the BID arrangements, for example projects to regenerate the area, or to increase security. The provisions relating to BID arrangements are contained in Part 4 of the Local Government Act 2003 (the “2003 Act”) and the [Business Improvement Districts \(England\) Regulations 2004 \(S.I. 2004/2443\)](#) (the “2004 Regulations”).
885. BID arrangements may not come into force unless proposals for the arrangements are approved by ballot of the non-domestic ratepayers who are to be liable to pay the levy. Where the result of the ballot is to approve the proposals, the billing authority may veto the proposals in prescribed circumstances (see regulation 12 of the 2004 Regulations). Section 52 of the 2003 Act allows any person entitled to vote in the ballot to appeal against the veto to the Secretary of State or the Welsh Ministers, as the case may be. In the event that an appeal against the veto is successful the Secretary of State or the Welsh Ministers determine the day on which the BID arrangements are to come into force (section 53(5)). Before making such a determination the Secretary of State or the Welsh Ministers must consult the relevant billing authority and such persons as appear to be representative of the non-domestic ratepayers who are to be liable for the proposed levy (section 53(7)). It is this requirement which is being repealed.
886. *Section 53* forms part of the law of England and Wales. The repeal will apply to BID arrangements in both England and Wales. It comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.