

Winchester Business Improvement District (BID)

Operating Agreement 2023 – 2028

1. The Parties

This operating agreement is between the following parties:

- 1.1 Winchester City Centre Partnership (“the BID”) registered as a company limited by guarantee in England with company number 3485365 whose registered office is Winchester Business Centre, 10 Parchment Street, Winchester, SO23 8AT; and
- 1.2 Winchester City Council (“the Council”) of City Offices, Colebrook Street, Winchester, Hampshire, SO23 9LJ.

2. Background

- 2.1 The Council is the billing authority for the purposes of the Local Government Act 2003 and is responsible for collecting the BID Levy and administering the BID’s fourth term Revenue Account which shall be used towards the operation of the BID within the proposed geographical boundary laid out in the BID fourth term proposals.
- 2.2 The BID company operated the BID during its first, second and third terms and, if following a successful renewal ballot of qualifying businesses, the BID will continue to operate for a fourth term, with effect from 1 April 2023.
- 2.3 The purpose of this agreement is to:
 - (i) confirm the basis upon which the Council will be responsible for collecting the BID Levy
 - (ii) set out the enforcement mechanism available for collection of the BID Levy
 - (iii) set out the procedures for accounting and transference of the BID Levy
 - (iv) provide for the monitoring and review of the collection of the BID Levy
 - (v) set out the financial reviews and spending of the BID Levy by the Company and its internal control arrangements

3. Collecting the BID Levy

- 3.1 The Council shall send a Demand Notice on each BID Levy Payer and shall continue to calculate the BID Levy and serve a Demand Notice in each financial year of the BID’s fourth term.
- 3.2 The Council shall maintain an accurate and up to date list, which identifies payment/and or non-payment of the BID Levy and shall make this available to the BID upon request.
- 3.3 The Council shall use all reasonable endeavours, which are consistent with its usual procedures for the collection of business rates to collect the BID Levy for each financial year of the BID’s fourth term in accordance with the procedures set out in the BID Levy Rules.

3.4 The Council shall pay the BID the first tranche of levy payment no later than 30 April of each financial year. A second payment shall be paid at the discretion of the BID and the Council in the autumn of each financial year.

4. Budget Preparation and Forecasting

4.1 The Council will submit a statement to the BID Company, by 30 November prior to the next financial year, which will include the following information:

- (i) new ratepayers since the 1st April
- (ii) an estimate of bad or doubtful debts for the current year

4.2 The BID Company will submit a statement to the Council, by 30 September, which will include the following information

- (i) a revised budget for income and expenditure for the current year
- (ii) a monthly profit and loss statement for the current year

5. Audited Accounts

The BID Company will submit to the Council:

- (i) a copy of its final audited accounts, within 15 working days of the Board meeting approving the accounts

6. Performance Monitoring

6.1 The Executive Director of the BID will meet at least twice a year with the Service Lead for Revenues and Benefits from the Council to monitor levy collection rates, financial spend, performance of the BID and information required for the production of annual bills.

7. Termination

7.1 Both parties will make reasonable endeavours to ensure that the BID is successful. Any issues, problems or concerns will be raised between the parties in order to seek resolution. If termination is necessary, this will be done in accordance with The Business Improvement Districts (England) Regulations 2004.