



City of Westminster Cabinet Member Report

Decision Maker:	Cllr Geoff Barraclough, Cabinet Member Planning & Economic Development
Date:	10 October 2022
Classification:	General Release
Title:	Victoria Westminster Business Improvement District Renewal Proposal 2023-2028
Wards Affected:	St. James's, Vincent Square
Key Decision:	No
Financial Summary:	No additional costs to the City Council. The cost of administering the ballot is accommodated within existing budgets.
Report of:	Debbie Jackson, Executive Director – Growth, Planning & Housing

1. Executive Summary

- 1.1 In July 2022, the City Council received a proposal from the Victoria Westminster Business Improvement District (BID) Ltd for the renewal of the existing Victoria Westminster BID. This report outlines the BID's vision and focus over the next five years for the area. The BID's proposal has been submitted to the City Council with regard to holding a ballot in respect of a second term for the Victoria Westminster BID which covers the St. James's and Vincent Square wards. The BID ballot is proposed to take place during the period across February and March 2023 with the result of the ballots to be announced on 3 March 2023.
- 1.2 The Victoria Westminster BID five-year renewal proposal reflects the priorities of the BID's business community following extensive engagement and also ensures that its priorities align with the work undertaken by City Council to achieve the best outcomes for the local economy and community within the BID's area.
- 1.3 Victoria Westminster BID's vision for the next five years has been split into five key areas of focus:

- Cleaning and Greening
- Strategic Placemaking
- Community Safety and Business Resilience
- Destination
- Environmental, Social & Governance (ESG)

1.4 This report describes Victoria Westminster BID Ltd's renewal proposal in respect of the existing Victoria Westminster BID which has been developed closely with the City Council's service portfolios.

1.5 The Cabinet Member for Planning & Economic Development is responsible for BIDs operating within the City Council's jurisdiction and is asked to approve the recommendations in this report.

2. Recommendations

2.1 That the Cabinet Member approves the Victoria Westminster BID renewal proposal.

2.2 To request the Chief Executive as the City Council's Returning Officer and ballot holder to hold a ballot on behalf of Victoria Westminster BID Ltd in respect of their Victoria Westminster BID renewal proposal.

2.3 That the Director of Law be authorised on behalf of the City Council to enter into the necessary legal agreements for collection of the BID Levy. In addition, deal with related documentation which the City Council is required to enter into with Victoria Westminster BID Ltd to deliver relevant services in relation to the Victoria Westminster BID area throughout the BID's renewal term and any other necessary legal matters as instructed and in consultation with the appropriate Council officers.

3. Reasons for Decision

3.1 BIDs can continue for an unlimited number of terms, providing they are successful in their ballots. Victoria Westminster BID Ltd have submitted their Victoria Westminster BID renewal proposal to the City Council for its consideration to enter into its second term. The City Council is statutorily bound to consider the proposal and, subject to its approval, to hold a ballot on behalf of Victoria Westminster BID Ltd.

3.2 Victoria Westminster BID has a strong collaborative relationship with the City Council and over the last five-year term, has been able to accomplish the following notable achievements for the BID and its members:

- £2.5m was invested into the Christchurch Gardens project by Westminster City Council after the BID's feasibility
- The BID's security team have submitted 2,093 reports, tackling issues such as anti-social behaviour, begging and drug use
- 1,782 business visits completed by the BID's team of Ambassadors
- Over 79,000 privilege cards in circulation with 199 offers
- 43,197 patrol hours per year from the 7 day-a-week on street security team
- 450,000 Victoria 'London Starts Here' magazines published and circulated

- £31k given to local charitable and community projects
- £85k in outreach and support for those rough - sleeping
- 3,843 welfare visits to businesses by the BID security team
- Over 270 days of free events held since 2018.

3.3 It is anticipated that Victoria Westminster BID will continue to play an active part in the joint working arrangements with the City Council and other key partners to enable the delivery of new schemes and initiatives of mutual concern.

4. Background, including Policy Context

4.1 Since its establishment in 2018, Victoria Westminster BID has been delivering vital projects and services to enhance the area, some of which involve - improving air quality, reducing congestion, a stronger focus on security and resilience, nurturing a sense of community and facilitation of local-giving.

4.2 Victoria Westminster BID was first voted in by businesses in 2018 as both businesses and landowners had aspirations to build on the area's strengths and establish it as first class for those working there, visiting and living in the area.

4.3 The ballot for the proposed Victoria Westminster BID renewal is due to take place across the period of February - March 2023. If the majority of voters who vote in the ballot, both by aggregate rateable value and number voting, support the proposal, and the City Council does not exercise its right to veto the BID proposal, then the BID will formally start its second term on 1 April 2023 and expire on 31 March 2028.

5. Victoria Westminster BID Renewal Proposal

5.1 Victoria Westminster BID Ltd (Company Number 11554476) is a not-for-profit company limited by guarantee. It was formed to operate Victoria Westminster BID and is the BID proposer putting forward the Victoria Westminster BID renewal proposal for 2023 - 2028. Assuming a successful ballot, it is the legal entity that will continue to provide governance and run the activities of the BID supported by an experienced and effective team. The BID's Board is made up of representatives from businesses within the BID area to ensure balanced representation. The BID finances will be independently audited and reviewed each year.

5.2 The BID levy of 0.9% of the rateable value (RV) for all eligible hereditaments will be applied on all properties in the BID area which appear in the rating list with a RV of £150,000 or more. The BID levy payable for any business shall not exceed £44,000 per annum plus an increase for inflation of 2.5% applied annually on 1 April, however as the second BID term will commence on 1 April 2023, it is proposed that the inflationary rate is applied from 1 April 2024. The BID levy will be a daily charge, paid annually in advance and will be calculated based upon the RV as at 31 March 2023. All hereditaments in the Parliamentary Estate will be fully exempt from the BID levy.

- 5.3 Where the rateable value for a hereditament is changed by the Valuation Office Agency, the BID levy will not be recalculated for previous financial years unless it relates to:
- a new entry in a Rating List (whether as the result of a new Hereditament or the split or merger of previously existing hereditament(s)); or
 - a reduction in the Rateable Value to £0 or £1; or
 - a deletion of the hereditament from the Rating List, when the Council will calculate/recalculate the BID levy due pursuant to the effective date of such change.
- 5.4 Properties that come into the Rating List during the BID term will be subject to the BID levy from the effective date that the property is brought into the rating list and the rateable value effective at that time.
- 5.5 Ratepayers in receipt of mandatory charitable relief from business rates will be fully exempt from the BID Levy. A ratepayer will be liable to pay the BID levy on an unoccupied property without any void period allowance or any empty property allowance. There will be no VAT charged on the BID levy.
- 5.6 The board of the Victoria Westminster BID will be able to alter the BID arrangements, without an alteration ballot, so long as any alterations do not:
- Alter the geographical area of the BID
 - Cause anyone to pay the BID levy who was not liable to pay it before or increase the amount of the BID levy for anyone.
 - Conflict with the Local Government Act (2003) or The Business Improvement District Regulations (2004); and
 - Victoria Westminster BID Ltd consults on such alteration with the City Council.
- 5.7 The priorities for the BID's second term have been identified following extensive consultation and engagement with Victoria Westminster BID's current levy payers and other local businesses. Priorities for the BID's next term are as follows:

5.8 **Cleaning and Greening**

Maintaining clean streets and ensuring that it is reflective of its prestigious location is a top priority for Victoria Westminster BID. The BID's dedicated Street Cleaning team provide 24-hour services to enhance the BID area and swiftly respond to environmental issues. This is alongside on-street planting to enhance the public realm and improve the areas overall attractiveness.

Objectives for 2023-28 include:

- Additional litter-picking, graffiti removal and pavement cleansing above the local authority baseline.
- Provide an on-call street cleaning service that addresses urgent issues reported by members at their premises.
- Monitor, report and resolve environmental issues and street defects on a daily basis.

- Increase network of on-street planting to improve the biodiversity, tranquillity and aesthetic appeal of the area's public spaces.

5.9 Community Safety & Business Resilience

The area's safety and resilience is a top priority for Victoria Westminster BID. The area's high-profile nature poses increased security risks and therefore the need for multi-agency solutions. Over the last five-year term, the BID has worked with the City Council, the Metropolitan Police Service (MPS) and other key stakeholders to reduce criminal activity within the area. In particular, building the area's resilience is vitally important now, particularly in relation to major incidents such as terrorism and civil emergencies.

Objectives for 2023-28 include:

- Increase security patrols from 5 days a week to 7 days and change their operating hours later into the evening.
- Continue to operate the BID's Emergency Notification System, providing businesses with fast, accurate intelligence and information during security incidents, protests and other disruptive events.
- Collaborate with the Metropolitan Police, British Transport Police, Westminster City Council, West End Security Group, BID members and landowners to enhance resilience to terrorism and civil emergencies. This includes the roll-out of the City Council's Business Resilience Toolkit to the BID's members.
- Help deliver the Women's Night Safety Charter in partnership with BID members and the Greater London Authority.
- Continue to provide businesses with an array of free training and resources on topics such as personal safety, business continuity & resilience, counter-terrorism and crime reduction.
- Incorporate design-out-crime principles into the BID's Strategic Placemaking.

5.10 Environment, Social & Governance (ESG)

The BID has established a set of ESG initiatives to be delivered on an area-wide scale across the next five-year term. ESG values have become increasingly pertinent to businesses in helping to address and tackle key issues such as climate change, skills and employment and health and wellbeing.

Objectives for 2023-28 include:

Environmental

- Improve air quality by reducing emissions from road traffic associated with freight, servicing and deliveries through the BID's involvement with the Zero Emission Group.

- Provide businesses with professional guidance on how to reduce their energy consumption and environmental impact, for example Westminster City Council's Business Energy Audit Scheme.
- Adapt streets to reduce vehicle congestion and encourage sustainable, active travel by partnering with businesses, landowners, TfL, Westminster City Council and the Mayor of London.
- Reduce the environmental impact of the BID's activities and as an organisation become net zero by 2030.
- Continue to work with central Government on creating a district-wide renewable energy scheme for south Westminster.
- Commission further research to assess the environmental issues affecting Victoria Westminster and investigate ways in which the BID can assist.

Social

- Work with an outreach charity to fund a Community Intervention Team (CIT) for the Victoria Westminster BID area who actively support the homeless in finding a route off the streets.
- Further develop the BID's grant funding programme which supports local Westminster community projects and charities.
- Partner with the BID's members and Westminster City Council to provide employment and training opportunities for the local community, particularly through the 'Westminster Works' programme.
- Provide a year-round programme of activities to support mental health and wellbeing in the workplace.

Governance

- Continue to develop the BID's Youth Steering Group, a group of 16 - 25 year-olds who help guide the BID's work and increase the participation of young people in the local economy with career development, training and industry experience opportunities.

5.11 Destination

The Victoria Westminster BID area boasts an abundance of heritage, culture and history including some of the City's most visited landmarks. At a time where global competition between cities is increasing, the BID is keen to continue celebrating and showcasing the assets of the area. This will be achieved through the delivery of a robust and innovative calendar of events and destination marketing campaigns. With a stronger focus than ever on the office as a social space for collaboration, the BID will support the return of employees to the workplace with a variety of initiatives to help them make the most of the leisure and hospitality on their doorstep. The BID are also heavily involved in strategic efforts to secure the future of Victoria Westminster, including lobbying for investment in infrastructure to support the growth of the area, and to continue being a strong voice for businesses in the capital.

Objectives for 2023-28 include:

- Host and support high profile cultural events and activations in public spaces to drive footfall and increase consumer dwell time.
- Support BID members in their continued post-covid recovery with marketing assistance and event opportunities
- Work with organisations such as London & Partners and BusinessLDN to revive international tourism and investment. This includes partnership working with the Westminster Investment Service to attract and support new business occupiers into the area that add value to the local economy
- Participate in pan-London promotional campaigns such as Let's Do London and London's Love Affair.
- Develop a mobile app for the BID as a comprehensive guide to the area with event listings, news, discounts & offers, itineraries and more.
- Collaborate with neighbouring south Westminster BIDs under the London Heritage Quarter (London HQ) banner to lobby central and local Government on issues affecting the BID's community, and for investment in the BID area.
- Continue with the BID's on-street Ambassadors who provide a multilingual welcome and information service to Victoria Westminster's visitors.
- Continue to grow the Privilege Card scheme – providing perks for staff and encouraging spend in the local retail, leisure & hospitality venues

5.12 Placemaking

Placemaking is a significant priority for the Victoria Westminster BID. In 2020, the 'People Wanted: Victoria' public realm strategy and vision was published following a study that was commissioned by the BID to understand what public realm improvements could be made to the streetscape. Creating high-quality spaces and curating a sense of "place" has been the vision since the inception of the BID. Examples of initiatives included as part of the strategy involved: traffic reduction schemes, improvement of air quality, enhancement of green spaces, improving walking and cycling infrastructure and more.

Objectives for 2023-28:

- Deliver phase two of The Arc project with short and medium-term wayfinding and greening initiatives – improving the streetscape along Victoria Street, Tothill, Broadway and Petty France.
- Focus initiatives on key gateways into the BID area such as Victoria Street, Parliament Square and St James's Park.
- Work with local stakeholders to enhance the quality of public gardens and green spaces, making them more biodiverse, accessible and welcoming; explore opportunities for creating more where possible.
- Work with developers to incorporate green infrastructure into their schemes and encourage sustainable design standards.

- Undertake an accessibility review for those with limited mobility and disabilities, explore solutions accordingly to create a more inclusive built environment.
- Commission area-wide green infrastructure and biodiversity surveys identifying opportunities for street trees, enhancing the ecological value of existing green spaces and introducing sustainable urban drainage measures.
- Partner with neighbouring BIDs and estates in Northbank, Victoria and Whitehall to promote a co-ordinated approach to public realm improvements and placemaking

6. Financial Implications

- 6.1 The services provided by the BID will be in addition to those provided by the City Council. Other than staff time spent on negotiating the precise details of their provision, the services will not cause additional cost to the City Council.
- 6.2 The Business Improvement Districts (England) Regulations 2004 require the City Council to pay for the ballot, which is only recoverable in the event of a very low turnout of votes supporting the BID proposal. Staff time will be funded from existing budgets and the cost of the ballot will be met from Civic Enterprise Fund reserves so there will be no additional cost to the City Council.
- 6.3 The City Council will be responsible for collecting the BID levy through the existing business rates system into a ring-fenced BID account before passing it over to the BID.
- 6.4 Financial implications verified by Westminster City Council's Corporate Finance department.

7. Legal Implications

- 7.1 Business improvement Districts (BIDs) are regulated by the Local Government Act 2003 ("the Act") and the 2004 and 2014 Regulations which sets out the process for a BID ballot to be held for the BID to be formally established, renewed and or altered.
- 7.2 Victoria Westminster BID Ltd, as the BID proposer must give at least 84 days' notice to the City Council and the Secretary of State to request the City Council's ballot holder' to hold the BID ballots. It is understood that Victoria Westminster BID Ltd gave such notice in July 2022 requesting for the BID ballot to be held in February and March 2023.
- 7.3 As required by the 2004 and 2014 Regulations, Victoria Westminster BID Ltd must also provide the Council with the following:
- 7.3.1 A copy of their BID proposal (the required contents of which differs depending on whether it is a new proposal, a renewal proposal or an alteration proposal);

- 7.3.2 A summary of the consultation the BID proposer has undertaken with those liable to pay the BID levy;
 - 7.3.3 A summary of the proposed business plan, to include estimates of cash flow, predicted revenue and expenditure, and the predicted budget over the duration of the BID arrangements and the contingency margin included in the budget;
 - 7.3.4 The financial management arrangements for the BID body and the arrangements for periodically providing information to the City Council on the finances of the BID body; and
 - 7.3.5 Information to satisfy the City Council that Victoria Westminster BID Ltd has sufficient funds to meet the costs of the ballot should it be required to do so as permitted by the 2004 and 2014 Regulations.
- 7.4 The City Council must consider whether the BID proposal conflicts with any formally adopted and published policy by the City Council (whether or not the City Council is under a statutory duty to prepare such a document). If the City Council is of the view that they do conflict, then it must, as soon as reasonably practicable after receiving the BID proposal, notify Victoria Westminster BID Ltd, in writing explaining the nature of that conflict.
- 7.5 Regulation 21 of the 2014 Regulations states that all expenditure properly incurred by the ballot holder in relation to the holding of a ballot under the 2014 regulations shall be paid by the relevant billing authority.
- 7.6 Where the City Council is satisfied that the documents provided by Victoria Westminster Ltd meet the requirements of the 2004 and 2014 Regulations and have sufficient funds to hold a BID ballot, the City Council shall comply with the 2004 and 2014 Regulations to instruct the ballot holder to hold a BID ballot. The ballot holder for the City Council is the Chief Executive in his capacity as the Returning Officer. Having reviewed the documents, the City Council is satisfied that they do indeed meet the requirements. The City Council's ballot holder must make arrangements for conducting the relevant BID ballot in accordance with Schedule 2 of the 2004 and 2014 Regulations, the proceedings for the ballot shall be conducted in accordance with the following (which may be subject to change in accordance with the Regulations):

Proceeding(s)	Time
Publication of Notice to the Secretary of State	At least 42 days before the day of the ballot confirming the notice of the ballot has been issued
Day of the Ballot	must be a working day and at least 28 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; No later than 90 days from the date on which the ballot holder published the notice

Declaration of the results	<p>The ballot holder shall certify: the total number of votes casted excluding any ballot papers rejected the aggregate rateable value of each hereditament in respect of which a person voted in the ballot; the total number of votes cast in favour of the question asked in the ballot; and the aggregate rateable value of each hereditament in respect of which a person voting in the ballot has voted in favour of the question asked.</p> <p>The ballot holder, having made the certification above shall (a) forthwith make a declaration of the matters so certified and (b) as soon as reasonably practicable give public notice of the matters so certified.</p>
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- 7.7 Regulations 12 and 14 of the 2004 and 2014 Regulations grant the City Council a power to veto a BID Proposal after it is approved by a ballot, which is exercisable only if it is likely to:
- 7.7.1 Conflict to a material extent with any policy formally adopted by and contained in a document published by the City Council (whether or not the council is under a statutory duty to prepare such a document), or
 - 7.7.2 Be a significantly disproportionate financial burden on any person or class of persons (as compared to the other non-domestic ratepayers 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 BID levy; and (ii) that burden is inequitable.
- 7.8 Where the City Council wishes to exercise its power to veto, it must do so within 14 working days from the day of the ballot, and must have regard to all of the following:
- 7.8.1 The level of support (as evidenced by the result of the BID ballot or re-ballot of a BID ballot, as the case may be) for the BID Proposal;
 - 7.8.2 The nature and extent of the conflict referred to in paragraph 7.6.1 above;
 - 7.8.3 In relation to Section 5.2 of this report, the structure of the proposed BID levy and how the financial burden of the BID is to be distributed amongst ratepayers in the geographical area of the BID;
 - 7.8.4 The extent to which the BID proposer discussed the BID Proposals with the authority before submitting the BID proposal to the authority; and
 - 7.8.5 The cost incurred by any person up to the end of the 14-day period in developing the BID proposal and canvassing in relation to the BID proposal.
- 7.9 At the time of writing, it is understood that the City Council is of the opinion that:
- 7.9.1 Victoria Westminster BID Ltd proposal to renew and alter the Victoria Westminster BID, is in line with Council policies and priorities; and
 - 7.9.2 The proposal is not a significantly disproportionate financial burden on any persons or class of persons.

- 7.10 As such, currently the City Council has no intention to exercise its right to veto but may review the situation in the event of any significant change in circumstances.
- 7.11 Two legal agreements between the City Council and Victoria Westminster BID Ltd will need to be drawn up to cover in respect of the City Council's obligations for the BID levy collection, and the service specification for various services under a Baseline Service Level Agreement for services such as cleansing and highways which the City Council will continue to deliver throughout the BID term which may be subject to periodic review and consultation with Victoria Westminster BID Ltd.
- 7.12 Legal implications verified by: Sharon Cudjoe, Senior Solicitor – (40013844)

8. Carbon Impact

The BID have set out within their BID proposal, their objective of monitoring and reducing their activities to help the City Council reach it's ambition of becoming a net-zero carbon City by 2040.

9. Equalities Implications

There are no equalities implications

8. Consultation

- 8.1 Victoria Westminster BID Ltd has carried out its own consultation with businesses in formulating the Victoria Westminster BID renewal proposal.
- 8.2 Ward Members have been consulted during the drafting of this report. All of which welcome and support the renewal of this BID.

BACKGROUND PAPERS

None

APPENDICES

Appendix A – Other Implications

Appendix B - Victoria Westminster BID Renewal Proposal 2023 – 2028

If you have any queries about this report, please contact:
Rachel Thevanesan, Business Support Programme Manager
by Email: rthevanesan@westminster.gov.uk or Tel: 07971092914.

For completion by the **Cabinet Member for Economic Development & Planning**

Declaration of Interest

I have no interest to declare in respect of this report

Signed:  Date: 10 October 2022

NAME: **Councillor Geoff Barraclough**

State nature of interest if any

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(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled

Victoria Westminster BID Renewal Proposal 2023 - 2028

and reject any alternative options which are referred to but not recommended.

Signed 

Cabinet Member for Planning & Economic Development

Date ...10 October 2022.....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Head of Legal & Democratic Services, Chief Operating Officer and, if there are resources implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.