



# City of Westminster Cabinet Member Report

<b>Decision Maker:</b>	Cllr Matthew Green, Cabinet Member for Business, Licensing and Planning
<b>Date:</b>	02 December 2021
<b>Classification:</b>	General Release
<b>Title:</b>	Heart of London Business Alliance Occupier Business Improvement District Business Plan 2022 - 2027
<b>Wards Affected:</b>	St. James's and West End
<b>Key Decision:</b>	No
<b>Financial Summary:</b>	No additional costs to the City Council. The cost of administering the ballot is accommodated within existing budgets.
<b>Report of:</b>	Debbie Jackson, Executive Director – Growth, Planning & Housing

## 1. Executive Summary

- 1.1 In November 2021, the City Council received a draft Business Improvement District (BID) Proposal from the Heart of London Business Alliance (HOLBA) for the renewal of its Occupier BIDs - Leicester Square & Piccadilly Circus and Piccadilly & St. James's. This has been a joint arrangement since 2015 and this report outlines HOLBA's vision and focus for the next five years for the two BID footprints. The ballots will be in respect of a 5<sup>th</sup> term for the Leicester Square and Piccadilly Circus BID and a 3<sup>rd</sup> term for the Piccadilly and St. James's BID. The BID ballots are proposed to take place during February and March 2022 with the result of the ballots to be announced on 4<sup>th</sup> March 2022.
- 1.2 The HOLBA footprint represents 600 businesses and property owners across the Piccadilly, St James's, Haymarket, Piccadilly Circus, Leicester Square & St Martin's areas. The five-year HOLBA occupier BID renewal Proposal reflects the priorities of their business community and ensures that 'City for All' is at the forefront of their thinking. The Proposal addresses the plan to protect and promote the cultural and commercial wellbeing of the heart of London area on behalf of its members and one that will lead the West End out of crisis,

into recovery and onto a thriving new future as the UK's cultural and commercial powerhouse.

1.3 HOLBA's vision for the next five years has been split into five key areas of focus, which are:

- Shape: attracting investment to and regenerating the West End to ensure that it retains it's world class status
- Promote: delivering stand-out cultural experiences and showcasing the West End as an iconic cultural destination
- Manage: Creating a sustainable environment that is clean, safe and well-managed to elevate the experience as a world-class destination
- Advocate: protecting, defending and promoting members' interests by listening and campaigning on the issues that are of importance.
- Support: empowering, informing and raising the profile for members, and being able to provide a one-stop-shop for support and services

1.4 This report describes HOLBA's Occupier BID renewal Proposals in respect of BID areas Leicester Square and Piccadilly Circus as well as Piccadilly and St James, which has been developed closely with the City Council's service portfolios. It then sets out the process described in the Business Improvement Districts (England) Regulations 2004 and The Business Improvement Districts (Property Owners)(England) Regulations (the 2004 and 2014 Regulations), which HOLBA and the City Council are required to follow to secure a further term for the Occupier BIDs.

1.5 The Cabinet Member for Business, Licensing & Planning is responsible for BIDs and so is asked to agree the recommendations in the report.

## **2. Recommendations**

2.1 That the Cabinet Member endorses the HOLBA Occupier BID renewal Proposal in respect of (i) Leicester Square and Piccadilly Circus and (ii) Piccadilly and St James.

2.2 To request the Chief Executive as the City Council's Returning Officer and "ballot holder" to hold two separate ballots for HOLBA in respect of their Occupier 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 service specifications for all other connected services which the City Council is required to deliver throughout the BID's term and any other necessary legal matters in respect of the HOLBA Occupier BID renewal Proposal as instructed and in consultation with the appropriate officers.

## **3. Reasons for Decision**

3.1 Leicester Square & Piccadilly Circus was the first occupier BID established in central London in 2005 and then the Piccadilly & St James's BID was

developed in 2010. In 2015, property owners voted in favour of establishing the U.K.'s first two property owner BIDs to work alongside each other.

- 3.2 The occupier and property-owner BIDs are governed by HOLBA with their own separate budgets and accountability, but they still contribute to the overall business plan. They have been successfully managing and improving the Leicester Square & Piccadilly Circus and Piccadilly & St James's areas since 2005 and over the past 16 years, HOLBA have spearheaded projects and schemes for the benefit of residents, businesses, visitors and property owners.
- 3.3 As a BID, they are facing a number of challenges such as the impacts of the UK leaving the European Union, and in particular on the retail and hospitality sectors, increased footfall of an additional 200 million visitors once the Elizabeth Line opens and financial blows such as budget cuts and revaluation of business rates. However, with 200 million visits a year and an annual GVA of £51 billion, the West End is a key contributor to the UK economy.
- 3.4 Over the last five years HOLBA have been able to achieve the following for its resident and business communities:
  - Reached an audience of 60m via royal academy's 250th anniversary campaign
  - Attracted 1.4m visitors to London Lumiere 2018
  - The 'London Leaders' event series connected over 350 members with industry leaders driving London's recovery
  - Delivered 250+ member events
  - Engaged over 4000 people via our employee benefits scheme
  - Deep-cleaned 360,000 sqm of paving each year
  - Provided 2,000 rough sleepers with professional support each year
  - Reduced carbon dioxide emissions by 42,927t thanks to our waste supplier scheme
  - Launched our west end 2027 place shaping strategy
  - Provided 24/7 private security presence
  - Secured new regulation for busking & street entertainment
  - Helped to secure £1.75bn support package for art & culture sector
  - Saved west end businesses over £1bn in business rates, payroll & vat relief
  - Delivered the women's night safety charter

#### **4. Background, including Policy Context**

- 4.1 The proposed new BID's first term would commence on 1 April 2022 and terminate on 31 March 2027. The City Council has a statutory duty to consider the Proposal and hold a ballot on HOLBA's behalf.
- 4.2 The ballot for the proposed HOLBA Occupier BID renewal is due to take place during February and March 2022. If the majority of voters who vote in the ballot, both by aggregate rateable value and number voting, support the Proposals, and the City Council does not exercise its veto option of the BID Proposals, then the BID will formally start its first term on 1 April 2022.

## 5. HOLBA Occupier BID Renewal Proposal

- 5.1 HOLBA is the BID Proposer for part of the West End and the St. James's areas. The BID will continue to be run and managed by the BID's executive team, subject to a successful ballot.
- 5.2 HOLBA's vision is to continue to develop and maintain 'a vibrant and successful world-class destination with a global reputation and one that is distinct to London's 'West End'. Consultation with members, partners and stakeholders has resulted in a bespoke, strategic approach to work towards achieving five area-wide priorities that will be the focus of their day-to-day activity. This should bring together continued support for business, the investment in transport London deserves, careful stewardship of the environment, a drive to remove recruitment barriers and enhance the labour market, and ensuring the West End remains the world's cultural hub.
- 5.3 The BID levy will be fixed at 1.15% of rateable value rising annually by 0.03% and will apply to rated properties with a rateable value of £130,000 or more for Leicester Square and Piccadilly Circus, and £225,000 or more for Piccadilly and St James's. A BID levy cap of £30,000 will be applied to all hereditaments so that a levy payer will not be liable to pay more than £30,000 on any particular hereditament in any financial year. All hereditaments with charitable status and in receipt of mandatory charitable relief from business rates will receive an 80% discount on the BID levy. The BID levy will not be increased other than as specified in these levy rules and there will be no VAT charged on the BID levy. Where the rateable value for individual hereditaments (rated properties) changes and results in a lower BID levy, it will only come into effect from the start of the financial year in which the change is made. No refunds of the BID levy will be made for previous years and refunds will be at the discretion of the BID. The liability for the daily BID levy will fall on the eligible ratepayer.
- 5.4 The ballot period lasts for a minimum of 28 days and is due to start on the 4 February 2022 and finishes on 3 March 2022.
- 5.5 Priorities for the BID's initial term include:
- 5.6 **Shape: Regenerating the area and attracting investment for the West End, ensuring it maintains it's world-class status.**
- 5.6.1 The Heart of London area is global business, cultural and tourism hub and attracts hundreds of millions of visitors a year. HOLBA want to continue to work proactively with its members to ensure the area remains fit for purpose, continues to be vibrant, sustainable and a remain a 24 hour-destination.
- 5.6.2 The BID and its members are acutely aware of both the impacts of the pandemic on key sectors in the area, such as hospitality, retail, tourism, but also the impacts of climate change. HOLBA have committed to working with the City Council to achieve a net-zero carbon City by 2040 by encouraging more sustainable travel and creating a more welcoming environment for pedestrians and cyclists.

### **5.6.3 Championing transformational Public Realm Schemes:**

Over the next five years, the ambition is to drive forward HOLBA's West End 2027 Place-Shaping Strategy. Ongoing work and external investment raised, will enable the delivery of bold public realm schemes, some of which include:

- Transforming Green Park and Piccadilly Gateway
- Creation of the Arts Quarter to attract inward investment and new opportunities for the creative, retail and hospitality sectors
- Reinvigorating the St. Martin's Lane area
- Improvements to Charing Cross Road
- Transforming Sackville Street

### **5.6.4 Striving for a sustainable and net zero Carbon West End**

HOLBA have demonstrated their commitment to transform the West End to a net-zero economy by tackling issues such as carbon reduction, air quality and waste. This will be done by:

- Championing sustainable transport infrastructure for the West End
- Securing investment into the improvement and greening of the public realm
- Reducing emissions by identifying and implementing carbon reduction activities

### **5.6.5 Reinvigorating the West End's talent and enterprise mix**

HOLBA are working with key stakeholders and partners in the West End such as London & Partners, the City Council, New West End Company (NWECC) and property owners, to attract new investment and first-class enterprise to the West End. By stimulating dynamic post-pandemic recovery that can respond flexibly to change, the BID will:

- Deliver their Future Occupiers Strategy
- Secure international investment
- Deliver trade missions to reach international markets
- Attract first-class entrepreneurs and pioneering companies as future talents
- Supporting the Westminster Investment Service to ensure new investors receive best-in-class support.
- Develop an evening and night-time strategy to promote the West End as a vibrant and safe 24-hour destination.

### **5.6.6 Maximising Inward Investment in the area**

The West End has been benefitting from substantial investment and HOLBA are keen to support these projects as well as to complement this investment. A few examples of inward investment in the area include:

- £1 billion of investment into Piccadilly due to the extension of the Ritz London
- Expansion of the Royal Marketing Academy
- Landsec's £250 million Lucent Development
- Criterion's £200 million investment in the Coventry Street area
- The Crown Estate's St. James's Market development
- The arrival of the £500 million Londoner Hotel

5.6.7 To Summarise, HOLBA's pledges under the priority to "Shape" the area are:

- To drive forward HOLBA's ambitious West End 2027 Place Shaping strategy.
- To deliver a, first of its kind, Evening and Night-Time Strategy for London's West End.
- To strive for a Net Zero Carbon West End.
- To attract new enterprise and curate a tenant mix that is fitting of the area's world-class status.
- To lead the West End's economic recovery from COVID-19, by maximising inward investment to the area.

## 5.7 **Manage: creating a sustainable environment that is clean, safe and well-managed, elevating the experience for our world-class destination**

5.7.1 In order for the HOLBA area to continue to attract residents, visitors, business owners and workers, the area has to offer a clean, safe, healthy, sustainable and easy to navigate space. By taking a five-year view of the area, the BID have been able to adopt a sustainable approach to some of the key issues by developing longer-term strategies to ensure a safe, sustainable and inclusive environment.

### 5.7.2 **Keeping the area clean**

HOLBA's environmental cleansing team, work seven days a week beyond the public service provision to ensure hot-washing of pavements, on-street janitorial response service, graffiti removal and litter-pick-up teams.

### 5.7.3 **Keeping the area safe**

HOLBA's dedicated seven-days-a-week private security team, respond to on-street disruptions, anti-social behaviour, low-level crimes and working closely with the Metropolitan Police Service (MPS) to create a safer and secure place. The BID also provide business preparedness training for their members as well as the voice for the business community in being able to express their concerns to public bodies in an attempt to seek solutions to security and crime related matters.

### 5.7.4 **Keeping the area well-managed**

Through multi-agency and BID resources, the BID are able to ensure the streets in the HOLBA area are well managed, taking care of infrastructure issues, providing direct support to members, and supporting visitors to navigate the area easily.

### 5.7.5 **Keep our streets healthy & sustainable**

A sustainable and inclusive environment is key to an area's success and there a range of initiatives in place to promote the ambition for healthy streets within the HOLBA area. HOLBA have been working in partnership with the City Council on the seasonal planting schemes across public spaces and are exploring similar schemes with the property owners in the area. Members undertaking waste and recycling collections, receive subsidised members rates as an incentive to do so and in turn reduce their costs. Lastly, HOLBA's preferred supplier schemes help to reduce traffic and thereby vehicle emissions by minimising the number of deliveries within the area.

### 5.7.6 **Caring for the community**

HOLBA are passionate about protecting and caring for its local communities, and are committed to working with the City Council to seek long-term solutions for homelessness within the area. HOLBA are keen to continue engaging positively with people who are rough-sleeping, increasing the chances of being able to identify positive outcomes for these individuals.

5.7.7 To Summarise, HOLBA's pledges under the priority to "Manage" the area are:

- Incentivising members to recycle via HOLBA's seven-days-a-week waste collection and recycling service, which in turn will save members money
- To migrate all waste and recycling collection to electric vehicles, improving air quality and further reducing emissions.
- To develop shared intelligence, advocate for the use of public realm CCTV, and support targeted security operations in conjunction with the police and other specialist agencies.
- To provide a dedicated frontline street team seven days a week.
- To champion an immediate and long-term solution to tackling homelessness on our streets.

## 5.8 **Advocate: Protecting, defending and promoting members' interests by listening to and campaigning on key issues.**

5.8.1 HOLBA have been able to develop and foster relationships with people in local and national government, the BID are therefore able to act as the voice on behalf of its members to address some of the key concerns and challenges, but to also influence policy. Over the coming years the BID anticipates many changes will impact policy, economic growth, and more, however the key objective will be for the area to maintain its global profile and visibility. The BID will continue to be the force of positive change and advocate for the communities that reside within it to ensure the area can recover, grow and thrive.

### 5.8.2 **Representing members at the highest level**

HOLBA have created a reputation and visibility over the last five-years that has enabled them to become a trusted voice for their members with the government at all levels. The Chief Executive also provides regular member

representation on a number of critical recovery groups and boards. HOLBA has an aspiration to grow their influence through the use of these platforms to advocate for their members. Examples of successfully lobbying on matters include:

- Vital COVID-19 support measures including business rates relief, furlough extensions, cultural relief funds and support for al fresco dining and licensing applications.
- Policy to regulate busking and street entertainment in Westminster.
- 50 additional police officers for the West End from December 2021.
- A £1.75 billion support package for Arts and Culture from the government.

5.8.3 A few examples of some of the key issues HOLBA are seeking support and intervention from local and national government on are:

- Removing existing barriers to skills and recruitment that are acting as a blocker to economic recovery.
- Introduction of a temporary recovery visa for industries where there are labour and skills shortages
- A public transport system which is safe, accessible, and affordable – and funded for the long-term.
- An inward investment programme for the West End.
- Flexibility around planning and licensing in Westminster

5.8.4 HOLBA are committed to working closely with its partners and key stakeholders to ensure a collective and informed approach is undertaken in lobbying government to achieve positive change.

#### 5.8.5 **Championing a sustainable West End**

Tackling climate emergency is one of HOLBA's key priorities and as such, will be lobbying hard on the sustainability agenda. HOLBA are also committed to aligning their vision to the City Council's Climate Emergency Action Plan and the government's Net Zero Strategy.

5.8.6 To summarise HOLBA's pledges under the priority to "Advocate" for its members are:

- To campaign to ensure London maintains its position as a top global city and secure a marketing budget for London to allow it to compete with other world cities.
- To welcome the introduction of the Elizabeth Line and advocate for a multi-year funding deal for Transport for London to keep central London moving.
- To be a leading voice on business rates reform, helping to secure a more fit for purpose scheme for our members.
- To address the skills shortage issue and work at both a national and local level to remove recruitment barriers which are acting as a blocker to the West End's economic recovery.
- To advocate for a sustainable West End, ensuring our businesses have the guidance and support they need to support the delivery of climate change action plans.

## **5.9 Support: empower, support and raise members profiles, providing a one-stop-shop for support and services**

5.9.1 With a diverse membership of 600 members, HOLBA are committed to adding value to and serving its members in the best way possible.

### **5.9.2 Utilising media to support members**

Raising the profile of HOLBA's members strengthen the BID's influence with government and can attract investment and attention to its initiatives.

HOLBA's communications team are great at being able to tell the story of the area and amplify the voices of their members amongst government. Over the last 12 months, HOLBA have featured in 90 pieces of media, including in the Evening Standard, Sky News and ITV News, reaching millions of people and being noticed by influential decision-makers such as the Mayor of London, Cabinet Members, 10 Downing Street and many more.

### **5.9.3 Supporting members to be in the know**

Weekly operational and company updates, which were provided daily during the peak of the pandemic, have enabled members to keep up-to-date with what is happening in the area. HOLBA will ensure its members are made aware of and are able to readily access the various support provisions, services and schemes that are available. They will also keep their members abreast of crucial political changes or trends, so they know what is happening on the ground in our area.

### **5.9.4 Supporting to bring workers back to the West End**

The ambition is for employees to return back to work and to spend more time in the HOLBA area. By bringing workers back to the West End, we will reignite the energy and the economy of the local area. HOLBA are representing this view on the Mayor of London's Workplace Recovery Board, whilst also addressing the seriousness of the skills shortage issue that the hospitality, culture and retail sectors in the West End are currently facing. HOLBA will be working at a local and national level to apply pressure to find both short and long-term solutions, demonstrating to potential employees the fantastic opportunities that the West End has to offer.

### **5.9.5 Providing access to London's leaders**

HOLBA hosts member networking events to share best practice, as well as providing bespoke relationship brokering. The BID have one of the best networks of London's key decision-makers and have access to some of the city's most influential people. HOLBA's 'London Leaders' events have connected over 350 of our members with people including the Minister for London, the Mayor of London and the Deputy Commissioner for the Metropolitan Police. The BID will continue to leverage their networks and foster a dialogue between businesses and London's leaders to provide a platform for their members to be heard.

5.9.6 To Summarise, HOLBA's pledges under the priority to "Support" members are:

- To act as a one-stop-shop of support and services for members.
- To raise the company and members' profile, and influence decision makers through a programme of well-timed media activity.
- To expand the Heart of London Club to give West End employees a range of offers and priceless experiences every year.
- To host member events to share expertise and best practice.
- To listen to members through regular surveys so HOLBA can continually improve its services.

## **5.10 Promote: deliver standout cultural experiences that deliver tangible results, showcasing the West End as the world's most iconic cultural destination**

5.10.1 The West End is a world-renowned cultural hub owing to its unique and first-class culture offer and heritage. London's creative economy is worth £52 billion and the HOLBA area is home to 39 West End theatres, three world leading art institutions, the English National Opera, as well as over 100 commercial galleries, 78 archive collections, 53 music venues, 45 jewellery design houses and 11 dance venues. HOLBA are also well-known for hosting 50 film premieres every year.

5.10.2 The HOLBA area boasts arts, culture and creativity as its greatest assets and the BID are committed to ensuring it is accessible to everyone. It is this unique ecosystem that will play a crucial role in driving the recovery of the West End, of London and of the UK as a whole. HOLBA showcase the world's best creative talent and this is what makes us London's number one destination for foreign direct investment.

5.10.3 HOLBA's ambition for a new Arts Quarter will bring together some of the world's most iconic cultural institutions, artists, creatives, hotels, cafés and restaurants and retail to create the West End's newest destination. A film cluster around Leicester Square; a live performance cluster around the West End and an arts cluster with the National Gallery and National Portrait Gallery at its epicentre.

5.10.4 The HOLBA area are responsible for delivering and facilitating hundreds of cultural experiences that attract people to the area that in turn, drives footfall and generates investment in the area. These activities and cultural experiences are consolidated within a comprehensive cultural calendar and are promoted well through the BID's communications channels as well as receiving support from the Mayor of London and London & Partners.

5.10.5 The culture offer is already driving domestic and international tourists back into the West End. In partnership with cultural leaders such as the British Film Institute and Sky Arts, the BID bring major cultural events like the London Film Festival to the area.

5.10.6 To Summarise, HOLBA's pledges under the priority to "Promote" the area are:

- To lead the charge on attracting domestic and international tourists back to the West End.

- To deliver the “Cultural Heart of London Strategy” via the HOLBA Art of London platform.
- To deliver an ambitious West End animation and events programme driving more consumers to the area.
- To work in partnership with major film studios to establish Scenes in the Square as a global tourist attraction.
- To raise the profile of HOLBA as an influential stakeholder in the cultural sector.

## **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 fund before passing it over to the BID.
- 6.4 Financial implications verified by Karen Wright, WCC Commercial & Financial Management.

## **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 HOLBA, 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. HOLBA gave such notice in October 2021 requesting for the BID ballots to be held in February and March 2022.
- 7.3 As required by the 2004 and 2014 Regulations, HOLBA have also provided the Council with the following:
- 7.3.1 a copy of the 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;
  - 7.3.5 and information to satisfy the City Council that HOLBA 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 conflict 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 Proposal, notify HOLBA, in writing explaining the nature of that conflict.
- 7.6 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.
- 7.9 Where the City Council is satisfied that the documents provided by HOLBA 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):

<b>Proceeding(s)</b>	<b>Time</b>
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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7.10 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:

7.10.1 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

7.10.2 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.

7.11 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:

7.11.1 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;

7.11.2 the nature and extent of the conflict referred to in paragraph 7.6.1 above;

7.11.3 in relation to Section 5.3 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;

7.11.4 the extent to which the BID proposer discussed the BID Proposals with the authority before submitting the BID Proposals to the authority; and

- 7.11.5 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 proposals.
- 7.12 At the time of writing, the City Council is of the opinion that:
- 7.12.1 HOLBA's proposal to renew the HOLBA Occupier BIDs, are in line with Council policies and priorities; and
- 7.12.2 the Proposal are not a significantly disproportionate financial burden on any persons or class of persons.
- 7.13 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.
- 7.14 Two legal agreements between the City Council and HOLBA will need to be drawn up to cover in respect of the council's obligations for the BID Levy collection, and the service specification for various services under a Baseline Service Level Agreements for services such as cleansing and highways which the City Council will continue to deliver throughout each BID term which may be subject to periodic review and consultation with HOLBA.
- 7.15 Legal implications verified by Sharon Cudjoe, Senior Solicitor, Bi-Borough Legal Services

## **8. Consultation**

- 8.1 HOLBA has carried out its own consultation with businesses in formulating the renewal of the Occupier BID 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**

Heart of London Business Alliance Occupier BID Business Plan 2022 – 2027 dated 02 December 2021

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

For completion by the **Cabinet Member for Business, Licensing & Planning**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

NAME: **Councillor Matthew Green** \_\_\_\_\_

State nature of interest if any .....

.....

*(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

**Heart of London Business Alliance Occupier BID Renewal 2022 - 2027**

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

Signed .....

**Cabinet Member for Business, Licensing & Planning**

Date .....

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.

## **Appendix A**

### **Other Implications**

#### **1. Resources Implications**

There are no implications

#### **2. Business Plan Implications**

There are no implications though it is worth noting that BIDs make a valued contribution to City for All and Economic Development and Place Shaping priorities. Significant additional investment in economic development and place shaping is generated through Westminster's BIDs. The funding is used to implement the projects prioritised by the business community in the BID business plan. BIDs are taking an increasing role in place leadership, stewardship and driving local economic growth. While BIDs are business-led, they benefit those working, living and visiting the area.

#### **3. Risk Management Implications**

There are no implications

#### **4. Health and Wellbeing Impact Assessment including Health and Safety Implications**

There are no implications

#### **5. Crime and Disorder Implications**

There are no implications though it is worth noting that security and policing is a priority workstream for the new proposed BID.

#### **6. Impact on the Environment**

There are no implications

#### **7. Equalities Implications**

There are no implications

#### **8. Staffing Implications**

There are no implications

## **9. Human Rights Implications**

There are no implications

## **10. Energy Measure Implications**

There are no implications

## **11. Communications Implications**

There are no implications though it should be noted that ‘National and International Marketing’ is a priority workstream for the new proposed BID.