

**Cabinet**  
**14 July 2009**

**Cabinet Minute 22 PLYMOUTH CITY CENTRE BUSINESS IMPROVEMENT DISTRICT**

**Resolution re power of veto:**

6. This report be referred to the Overview and Scrutiny Management Board together with a request that they insert into the Scrutiny Work Programme a review of the Business Improvement District proposals with a view to making a recommendation to the City Council regarding exercising its power to veto.  
**Reason:** To meet the requirements of Regulation 12 of the Business Improvement District (England) Regulations 2004 in relation to the use of the power of veto and to provide independent scrutiny of the Business Improvement District proposals.

**Extract from Cabinet report re power of veto:**

**Power of Veto**

- 3.10 The legislative framework for the BID includes provision for local authorities to veto bid proposals where:
- They conflict to any material extent any corporate policy
  - Have significantly disproportionate effect on any person or class of persons
- 3.11 This matter was considered formally at the establishment of the BID in 2005~~4~~ when the Cabinet in making its decision to endorse the BID approach on 3<sup>rd</sup> August 2005~~4~~ resolved to submit the report to the Overview and Scrutiny Commission for them to consider making a recommendation to the City Council regarding the power of veto. Following a report prepared by the Overview and Scrutiny Commission in October 2005~~4~~ in which they considered evidence and supported the BID proposal recommended to Full Council that the veto should not be exercised. This report was presented to the City Council on 1st November 2005~~4~~ (Minute 51 refers) where this was agreed unanimously. Although the fundamental principles behind the BID remain the same as when the original designation was taken forward in 2005~~4~~, it is considered that the City Council needs to formally consider whether it wishes exercise its veto after the ballot has taken place, using a similar process of scrutiny as before.

**Minute 51 Proposed Business Improvement District: Power to Veto**

The Council considered the report of the Overview and Scrutiny Commission concerning the proposed Business Improvement District: Power of Veto together with their recommendations as follows –

The Overview and Scrutiny Commission, having considered -

- (a) the reports and advice of Officers and external legal consultants;
- (b) the statutory grounds upon which the power of veto may be used;

supports the BID Proposals, and wishes the BID Company every success in establishing and implementing them.

It therefore Recommends to Council –

- (i) that the power of veto be not exercised subject to there being no significant change(s) to the current BID proposals which would impact on the factors which influence the use of the power of veto as identified in Regulation 12 of the Business Improvement District (England) Regulations 2004;
- (ii) in the event of there being no significant change(s) as indicated above, the Monitoring Officer be permitted, at the appropriate time after the BID Ballot, to confirm that the Council will not be exercising the power of veto;
- (iii) the Overview and Scrutiny Commission monitors the anticipated success of the BID over the coming years.

The recommendation was put to the vote and declared carried unanimously.