

To: All Members

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Date: 11<sup>th</sup> October 2023

Dear Councillor

## **EXECUTIVE MEETING MONDAY, 9TH OCTOBER 2023 – DECISION NOTICE**

I have pleasure in enclosing herewith, for your attention, a copy of the Decision Notice of the Executive held on Monday, 9th October 2023.

Set out below is the procedure for calling in decisions of the Executive. **Only Key Decisions may be called in.** Request forms to call in a decision of the Executive may be obtained from the Governance Team.

### **Deadline date for calling in Key Decisions contained in the Decision Notice.**

**Wednesday 18<sup>th</sup> October 2023**

### **Number of Members required to call in an item.**

Three Scrutiny Members

### **Method by which items may be called in.**

- By completion of the form available from the Governance Team

### **Recording of called in items.**

Governance shall be responsible for keeping and maintaining a log of called in items. In practice this log will be kept by the Governance Officers who are themselves authorised to accept notifications from Members.

A log shall be maintained in chronological order according to when requests are received. This log will be open for inspection by any Member of the Council, upon request.

Yours sincerely



**DECISION NOTICE OF THE EXECUTIVE  
MONDAY, 9TH OCTOBER 2023**

**NON KEY DECISIONS**

AGENDA ITEM		DECISION
5	<b>Ambition Plan Targets Performance Update - April to June 2023</b>	<p><b>RESOLVED</b> that the quarterly outturns (April to June 2023) against the Council Ambition 2020-2024 targets be noted.</p> <p><b>REASON FOR DECISION:</b> Out of the 31 Council plan targets, 20 are on track (65%), 2 have achieved their annual outturn (6%), 1 is under review (3%) and 8 achieved previously (26%).</p> <p>This is an information report to keep Members informed of progress against the Council Ambition targets noting achievements and any areas of concern.</p> <p><b>OTHER OPTIONS CONSIDERED:</b> Not applicable to this report as providing an overview of performance against agreed targets.</p>

**KEY DECISIONS**

AGENDA ITEM		DECISION
6	<b>Lease of Roseland Park and Crematorium</b>	<p><b>RESOLVED</b> that 1) the Council takes a transfer of the Roseland Park land as shown edged red on the plan attached to the report from Shirebrook Town Council for nil consideration,</p> <p>2) the Council grants a lease of Roseland Park and crematorium for a peppercorn rent on terms to be agreed by the Council's Chief Executive,</p> <p>3) the Council enters into an agreement with the LLP setting out how the LLP will operate the crematorium rent on terms to be agreed by the Council's Chief Executive, in consultation with the Director of Finance &amp; Section 151 Officer,</p> <p>4) the Director of Finance &amp; Section 151 Officer's decision to opt to tax the crematorium, in order to protect the Council's partial exemption position, be approved.</p>

		<p><b>REASON FOR DECISION:</b>  To ensure the Council's de minimis partial exemption position is protected, to mitigate any potential repayments of VAT to HMRC.</p> <p>Whilst independent advice is being sought for the LLP's VAT position, it should be noted that the LLP is separate from the Council and subject to separate VAT registration. The LLP would not be a local authority and would not receive the same VAT recovery position regarding exempt or non-business activities.</p> <p><b>OTHER OPTIONS CONSIDERED:</b>  The advice provided by PSTAX presents the only option available to the District Council to ensure it protects its partial exemption limit.</p> <p>The recommendations from PSTAX align to the Council's intended route of establishing a joint venture LLP to operate the crematorium, and confirm the steps needed to ensure the Council does not breach its de minimis partial exemption limit and trigger a repayment to HMRC of potentially £1.7m.</p>
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Only **Key Decisions** may be called in. All other decisions will be actioned immediately with the exception of those referred to Council (shown in italics).