

**Decisions to be considered by
Full Council on 11 December 2018**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 9th October, 2018 at
the COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson Mrs B S Fortune Mrs I Sanderson	Councillor	S Watson D A Webster
------------	---	------------	-------------------------

Also in Attendance

Councillor	P Bardon M A Barningham D M Blades	Councillor	Mrs C S Cookman K G Hardisty N A Knapton
------------	--	------------	--

CA.30 **COMMERCIAL OPPORTUNITIES**

All Wards

The subject of the decision:

This report sought approval to giving the Chief Executive delegated authority to make investment decisions in consultation with the Leader. Some commercial opportunities were only available for a time limited period. Currently, the Council could only make offers to purchase or to invest in assets and ventures subject to Council approval. This could result in the Council being considered less favourably compared to a potential competitor that could complete an acquisition or investment more quickly. This report sought to give the Chief Executive the authority in consultation with the Leader to approve investments up to £5,000,000 subject to several safeguards.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that this decision supported the Council's Commercial Strategy which was to become self-sufficient in 2020/21.

THE DECISION:

That Cabinet approves and recommends to Council:-

- (1) that delegated authority is given to the Chief Executive to make investment decisions in consultation with the Leader up to a value of £5,000,000 subject to the checks and balances contained in the report;

- (2) the Director of Law and Governance be authorised to make the necessary amendments to the Council's Constitution; and
- (3) a review be undertaken on an annual basis at Annual Council.

CA.31 **EXCLUSION OF THE PUBLIC AND PRESS**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no CA.32 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A of the Act as the Cabinet was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

CA.32 **REVIEW OF THE VAT PARTIAL EXEMPTION POSITION AND THE IMPLICATIONS OF COUNCIL SERVICES**

All Wards

The subject of the decision:

This report explained the Value Added Tax (VAT) partial exemption position and the implications on Council Services.

Alternative options considered:

None.

The reason for the decision:

Monitoring the VAT partial exemption limit contributed to the overall financial position of the Council, this assisted in ensuring the Council's service requirements were met which supported the achievement of the priorities set out in the Council Plan.

THE DECISION:

That Cabinet approves and recommends to Council that:-

- (1) discussions with HMRC continue in light of the partial exemption breach in 2017/18 and the Council pay the agreed sum as detailed in paragraph 2.7 of the report by 7 November 2018 if required;
- (2) the Council continues to closely monitor the partial exemption position on a quarterly basis from 2018/19;
- (3) all additional or deleted capital expenditure schemes reported to Cabinet take full account of the partial exemption position so that decisions on the future capital programme are properly informed;

- (4) further investigation occurs during the next two years to review whether the leisure centres or leisure services, or elements thereof, should be placed in a 'vehicle' in order to help address the partial exemption position; and
- (5) a consultant is engaged to review strategic, legal and operational implications of leisure services being placed in a 'vehicle'; associated costs will be reported at the next appropriate quarterly financial monitoring report.

The meeting closed at 9.45 am

Leader of the Council