

REPORT TO COMMUNITIES COMMITTEE – 5 NOVEMBER 2020

STRIKE OFF AND DISSOLUTION OF ABERDEENSHIRE CULTURE AND SPORT LIMITED

1 Reason for Report / Summary

- 1.1 Agree to the strike off and dissolution by application to Companies House of the Council's shelf company Aberdeenshire Culture and Sport Limited on the basis that it is not required.

2 Recommendations

The Committee is recommended to:

- 2.1 ***Agree that Aberdeenshire Culture and Sport Limited is struck off the Companies' Registrar and dissolved.***

3 Purpose and Decision-Making Route

- 3.1 Aberdeenshire Culture and Sport Limited ("**ACS**") was incorporated on 11 April 2017 as part of the Council's project in connection with the creation of an arms' length external organisation to deliver culture and sport services. The Council decided not to proceed with this project. ACS is a company limited by guarantee, with the Council as the sole member and the Head of Legal and Governance as the sole director. It has been dormant since incorporation. It has never traded, has no employees, holds no assets and has no debts.
- 3.2 In its Report to Full Council of 26 April 2018 concerning the Council's Culture and Sport Business Unit, it was proposed that the Council explores establishing a fundraising entity to attract fundraising otherwise not available to the Business Unit. Full Council delegated authority to the Communities Committee to agree decisions in connection with such a fundraising entity, including authority to dissolve ACS.

4 Discussion

- 4.1 To comply with company law, Council staff have been undertaking the company secretarial work required to maintain ACS, including filing with Companies House annual dormant company accounts and an annual confirmation statement. This incurs an annual fee of £40 (paper form submission).
- 4.2 It is administratively straightforward to incorporate another shelf company should one be required in the future. The Companies House fee for incorporating a company is currently £40 (paper form submission).
- 4.3 As ACS is not being used, so as not to incur the time and expense of maintaining it, it is proposed that an application is made to Companies House for ACS to be struck off from the Companies' Registrar and dissolved. This

would require the Head of Legal and Governance, as the sole director, to file a completed Companies House Form DS01 with Companies House. The fee for the application is £10.

5 Council Priorities, Implications and Risk

5.1 This report is relevant to the first of the three 'pillars' of the forthcoming council priorities, relating to :

Our People – Education
Health and Wellbeing

5.2 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial			N/A
Staffing			N/A
Equalities			N/A
Fairer Scotland Duty			N/A
Town Centre First			N/A
Sustainability			N/A
Children and Young People's Rights and Wellbeing			N/A

5.3 An equality impact assessment is not required because the strike off of ACS is an administrative matter and does not have a differential impact on any of the protected characteristics.

6 Scheme of Governance

6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

6.2 The Communities Committee have the power to make the decision as all lifelong learning and leisure matters are within their remit in accordance with Part 2A of the List of Committee Powers D1.1.e.

Laurence Findlay
Director of Education & Children's Services

Report prepared by Leigh Anderson, Senior Solicitor, Commercial
Date: 17 September 2020