

## HAMPSHIRE COUNTY COUNCIL

### Officer Decision Record

<b>Decision Maker:</b>	David Kelly- Head of Legal Services & Deputy Monitoring Officer
<b>Title:</b>	Incorporation of Hampshire Legal Services Limited
<b>Reference:</b>	7166

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#### 1. The decision:

- 1.1. That a new limited liability company ("the Company") be incorporated with the name "Hampshire Legal Services Limited".
- 1.2. That the sole member or the Company be Hampshire County Council, which will be registered as the holder of 1,000 ordinary shares of £1 representing the Company's entire share capital.
- 1.3. That David Kelly be appointed as the sole director of the Company and that no other officers of the Company be appointed.
- 1.4. That the registered office of the Company be "c/o Hampshire County Council, The Castle, Winchester, Hampshire SO23 8UJ".
- 1.5. That following its incorporation the Company remain dormant (pending any decision to change that status) with the intention that it should protect the ownership of the name "Hampshire Legal Services Limited."
- 1.6. That the costs associated with incorporation (£15 or £40 payable to Companies House depending whether on-line incorporation is available) and dormant company annual returns (£13 payable annually to Companies House) be paid from the Hampshire Legal Services (HLS) revenue budget.

#### 2. Reason(s) for the decision:

- 2.1. The Council has decided that it should provide a range of traded services in order to utilise its existing resources better and/or to develop new revenue streams.
- 2.2. Whilst the present intention is for HLS to continue to charge for discretionary legal services provided pursuant to s.93 Local Government Act 2003, there is a possibility that in the future the Council would want to provide such services through a wholly owned subsidiary in order to take advantage of the wider trading powers conferred by s.95 of the 2003 Act.

- 2.3. If HLS were to trade through a company it would help to protect its brand and would be administratively convenient if the company had the same name, as opposed to having a random company name and simply trading as "Hampshire Legal Services". At the present time "Hampshire Legal Services Limited" is shown as an available name at Companies House and accordingly if the Council incorporates a dormant subsidiary with that name (for minimal cost, see above) it would ensure that no other organisation could take the name and thereby prejudice the ability of HLS to use the name should it trade through a company in the future.
- 2.4. Essex County Council has made a similar protective registration in respect of "Essex Legal Services Limited": other authorities may have done the same.

**3. Other options considered and rejected:**

- 3.1. In the circumstances there are no obvious alternatives other than to take no action unless and until the company name is in fact required.
- 3.2. This option was rejected since it risks somebody else taking the name in the meantime, thereby depriving HLS of its use, whilst the cost of protecting HLS against this risk is minimal.

**4. Conflicts of interest:**

- 4.1. None.

**5. Dispensation granted by the Head of Paid Service:**

- 5.1 None.

**6. Supporting information:**

- 6.1 No additional information.

**Approved by:**

**Date: 10.12.2015**

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**David Kelly, Head of Legal Services and Deputy  
Monitoring Officer**

**On behalf of the Director of Corporate Resources**