

Hambleton District Council

Report To: Cabinet

Date: 6 July 2021

Subject: **Crematorium Operation**

Portfolio Holder: Leader of the Council
Councillor Mark Robson

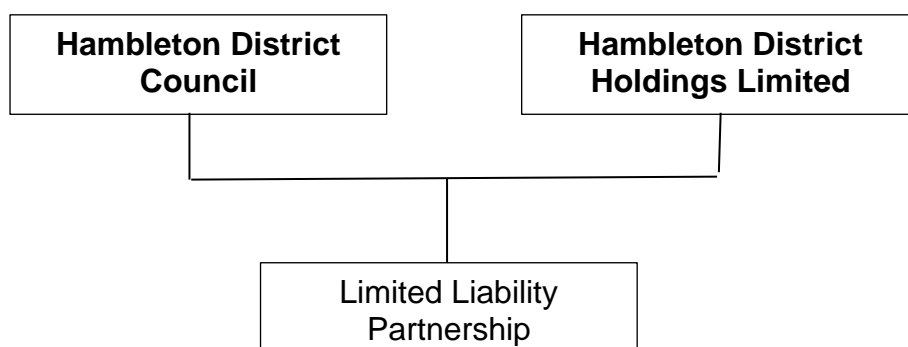
Wards Affected: All Wards

1.0 Purpose and Background

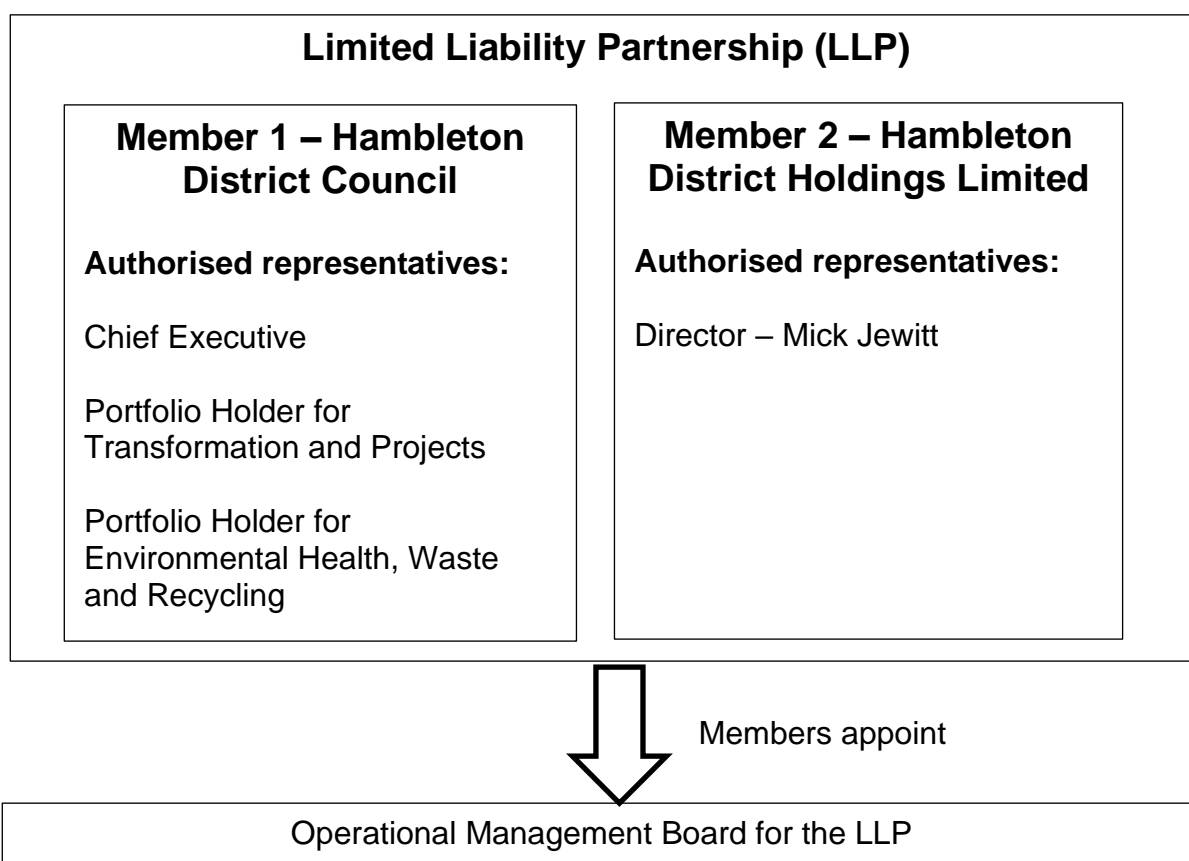
- 1.1 The purpose of this report is to appoint the representatives that would be authorised to act on behalf of the Council on the Limited Liability Partnership.
- 1.2 Council agreed the operational structure including the creation of the Limited Liability Partnership for the Crematorium on 23rd February 2021 (Minute C.14 refers). The Limited Liability Partnership would be responsible for operating the crematorium and the wider Maple Park site. The report to Cabinet on the 9th February 2021 set out the structure of how the crematorium would be operated through a Limited Liability Partnership to which both the Council and Hambleton District Holdings Limited (which is wholly owned by the Council) would be party to. Hambleton District Holdings Limited was originally set up for the Commercial Property Portfolio. Whilst the commercial property portfolio project was suspended, the company still exists and can be used for other purposes.
- 1.3 It has already been agreed that a Limited Liability Partnership will be set up, where the Council will be entitled to 99% of the profits and Hambleton District Holdings Limited will be entitled to 1% of the profits. A “non-business activity” lease between the Council and the Limited Liability Partnership would be agreed at a peppercorn rent to accommodate the operation by the Limited Liability Partnership.

2.0 Proposed Governance

- 2.1 Unlike a company, a Limited Liability Partnership does not have shares or shareholders, nor does it have directors – it simply has members. The members in this instance would be Hambleton District Council and Hambleton District Holdings Limited. Both members have 1 vote.



- 2.2 To make decisions, the members of the Limited Liability Partnership (i.e. the Council and Hambleton District Holdings Limited) will need to appoint duly authorised representatives. Hambleton District Holdings Limited has done so by resolution of its directors and has appointed Mick Jewitt to represent it on the Limited Liability Partnership.
- 2.3 It is proposed that Cabinet authorises the Chief Executive, the Portfolio Holder for Transformation and Projects, and the Portfolio Holder for Environmental Health, Waste and Recycling to represent the Council on the Limited Liability Partnership.
- 2.4 It is further proposed that the Limited Liability Partnership would set up an operational management board to oversee the day to day operation. This management board would be appointed by the members of the Limited Liability Partnership (Hambleton District Council and Hambleton District Holdings Limited).



3.0 Link to Council Priorities

- 3.1 The Crematorium project will deliver a service to Hambleton residents, which is currently not available within the District. It is identified in the Council Plan 2019-2023 as one of the key projects under its priority “Caring for the Environment” and is consistent with the Council’s aim of improving access to services to all residents across the district. It is also contributing to the Council’s Carbon Reduction agenda due to the installation of an electric cremator.

4.0 Risk Assessment

4.1 The key risk in not approving the recommendations as shown below is:

Risk	Implication	Gross Prob	Gross Imp	Gross Total	Preventative action	Net Prob	Net Imp	Net Total
The Limited Liability Partnership as approved by Council on 23 rd February 2021 would not be able to be setup and governed effectively	The crematorium would need to be operated in-house or leased to a third party with significant financial implications for the Council	5	5	25	Implement the Limited Liability Partnership	1	5	5

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

4.2 The report simply sets out the detail of the representatives for Hambleton District Council on the Limited Liability Partnership and therefore the risk in not approving the recommendations outweighs any risk associated with approving the recommendations.

5.0 Financial Implications

5.1 There are no financial implications arising from this report.

6.0 Legal Implications

6.1 There are no legal implications arising from this report. The legal implication in relation to the operational structure itself were set out as part of the report to Cabinet on 9th February 2021.

7.0 Equality/Diversity Issues

7.1 Equality and Diversity Issues have been considered however there are no issues associated with this report.

8.0 Recommendations

8.1 That Cabinet appoints the Chief Executive, the Portfolio Holder for Transformation and Projects and the Portfolio Holder for Environmental Health, Waste and Recycling as authorised representatives to the Limited Liability Partnership as set out in the report.

Dr Justin Ives
Chief Executive

Background papers: Report to Cabinet 9th February 2021
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