

DYDD GWENER, 25 AWST 2023

AT: YR AELOD O'R CABINET DROS ADNODDAU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU RHITH - GYFARFOD O'R **YR AELOD CABINET DROS ADNODDAU** A GYNHELIR AM **10.00 YB**, AR **DYDD MAWRTH, 5ED MEDI, 2023** ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

Wendy Walters

PRIF WEITHREDWR

Swyddog Democrataidd:	Kevin Thomas
Ffôn (llinell uniongyrchol):	01267 224027
E-bost:	kjthomas@sirgar.gov.uk

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

AGENDA

1. DATGANIADAU O FUDDIANNAU PERSONOL
2. LLOFNODI FEL COFNOD CYWIR PENDERFYNIADAU Y CYFARFOD A GYNHALIWYD AR Y 13 GORFFENNAF 2023 3 - 6
3. CYFRIFON NA ELLIR EU HADFER 7 - 20
4. ADRODDIADAU NAD YDYNT I'W CYHOEDDI

WEDI YSTYRIED HOLL AMGYLCHIADAU'R ACHOS AC WEDI CYNNAL PRAWF BUDD Y CYHOEDD GALL YR AELOD O'R CABINET FARNU NAD YW'R EITEMAU CANLYNOL I'W GYHOEDDI AM EI FOD YN CYNNWYS GWYBODAETH EITHRIEDIG FEL Y'I DIFFINNIR YM MHARAGRAFF 14 O RAN 4 O ATODLEN 12A I DDEDDF LLYWODRAETH LEOL 1972, FEL Y'I NEWIDIWYD GAN ORCHYMYN LLYWODRAETH LEOL (MYNEDIAD AT WYBODAETH) (AMRYWIO) (CYMRU) 2007.
5. HAWDDFRAINT ARFAETHEDIG AR DIR Y TU CEFN I LWYN YR YNYS (TAI GWARCHOD), LLWYNHENDY, LLANELLI. 21 - 28

Sylwer: - Nid oes hawl gan y wasg a'r cyhoedd fynychu'r cyfarfod. Bydd y cofnod penderfyniad yn cael ei gyhoeddi fel arfer o fewn 3 diwrnod gwaith.

DYDD Iau, 13 Gorffennaf 2023

YN BRESENNOL: Y Cyngorydd: A. Lenny (Aelod o'r Cabinet)

Roedd y swyddogion canlynol yn bresennol:

A Thomas, Rheolwr Gwasanaethau Refeniw
S. Jones, Arweinydd Cymorth Tenantiaeth
K. Thomas, Swyddog Gwasanaethau Democrataidd

Rhith-Gyfarfod - 10.00 - 10.50 yb

1. DATGANIADAU O FUDDIANNAU PERSONOL

Ni ddatganwyd unrhyw fuddiannau personol.

2. LLOFNODI FEL COFNOD CYWIR PENDERFYNIADAU Y CYFARFOD A GYNHALWYD AR Y 18 MAI 2023

PENDERFYNWYD llofnodi bod cofnod penderfyniadau'r cyfarfod oedd wedi'i gynnal ar 18 Mai, 2023 yn gofnod cywir.

3. ADRODDIADAU NAD YDYNT I'W CYHOEDDI

PENDERFYNWYD yn unol â Deddf Llywodraeth Leol 1972, fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007, na fyddai'r eitemau canlynol yn cael eu cyhoeddi, gan fod yr adroddiadau'n cynnwys gwybodaeth eithriedig fel y'i diffiniwyd ym Mharagraffau 12 ac 14 o Ran 4 o Atodlen 12A i'r Ddeddf.

4. DILEU DYLEDION CYN-DENANTIAID

Yn dilyn cynnal prawf budd y cyhoedd, **PENDERFYNWYD** yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod 3 uchod, beidio â chyhoeddi cynnwys yr adroddiad gan ei fod yn cynnwys gwybodaeth eithriedig am faterion ariannol neu faterion busnes unigolyn penodol (gan gynnwys yr Awdurdod oedd yn meddu ar y wybodaeth honno) (Paragraff 12 o Ran 4 o Atodlen 12A i'r Ddeddf).

Roedd y prawf budd y cyhoedd mewn perthynas â'r mater hwn yn ymwneud â'r ffaith fod yr adroddiad yn cynnwys data personol am gyn-denantiaid y cyngor, ynghyd â manylion am eu hôl-ddyledion rhent. Mae cyhoeddi rhenti unigol yn ddiangen ac yn drech na budd y cyhoedd o ran datgelu'r wybodaeth gan y byddai datgelu'n ymyrraeth ddiangen a gormodol ar fywydau preifat a theuluol yr unigolion dan sylw.

Bu'r Aelod Cabinet yn ystyried adroddiad oedd wedi ei lunio'n unol â Rheolau Gweithdrefn y Cyngor, a oedd yn nodi'r sefyllfa bresennol o ran dyledion tenantiaid presennol a chyn-denantiaid ac yn gofyn am ddileu dyledion o fwy na £1,500.

Nododd yr Aelod Cabinet yr achosion a amlinellwyd yn yr adroddiad a rhoddodd ystyriaeth i'r adroddiadau unigol ar gyfer pob un o'r tenantiaid presennol a'r cyn-denantiaid a oedd yn manylu ar y rhesymau dros geisio dileu dyledion. Roedd y rhesymau yn cynnwys amgylchiadau personol.

PENDERFYNWYD dileu ôl-ddyledion y tenantiaid presennol a'r cyn-denantiaid, fel yr oeddid wedi manylu arnynt yn yr adroddiad, am nad oedd modd eu hadennill.

5. CYFRIFON NA ELLIR EU HADFER - GORDALIADAU BUDD-DAL TAI

Yn sgil cynnal y prawf budd y cyhoedd PENDERFYNWYD, yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod 4 uchod, beidio â chyhoeddi cynnwys yr adroddiad am ei fod yn cynnwys gwybodaeth eithriedig ynghylch materion ariannol neu faterion busnes unrhyw unigolyn penodol (gan gynnwys yr Awdurdod oedd yn meddu ar y wybodaeth honno) (Paragraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf).

Mae budd y cyhoedd o ran cynnal yr eithriad y cyfeirir ato uchod yn drech na budd y cyhoedd o ran datgelu'r wybodaeth yn yr adroddiad gan fod potensial i'r datgelu gael effaith anghymesur ar yr unigolion dan sylw ac nid oedd yn angenrheidiol at unrhyw un o'r dibenion a bennir yn Neddf Diogelu Data 2018.

Bu'r Aelod Cabinet yn ystyried adroddiad a oedd yn manylu ar gyfrifon gordaliad budd-dal tai y nodwyd nad oedd modd eu hadennill. Yr oedd yr holl weithdrefnau adennill wedi cael eu defnyddio, lle'r oedd hynny'n briodol, ac nid oedd dim tebygolrwydd y byddai modd cael y taliadau. Felly roedd yn cael ei ystyried yn briodol dileu'r cyfrifon hyn yn erbyn darpariaeth ddarbodus yr Awdurdod ar gyfer drwgddyledion o ran gordaliadau Budd-dal Tai.

PENDERFYNWYD bod y cyfrifon dyledus y manylwyd arnynt yn yr adroddiad yn cael eu dileu am nad oedd modd adennill y taliadau.

6. TRETH Y CYNGOR - GOSTYNGIADAU YN ÔL DISGRESIWN

Yn sgil cynnal y prawf budd y cyhoedd PENDERFYNWYD, yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod 4 uchod, beidio â chyhoeddi cynnwys yr adroddiad am ei fod yn cynnwys gwybodaeth eithriedig ynghylch materion ariannol neu faterion busnes unrhyw unigolyn penodol (gan gynnwys yr Awdurdod oedd yn meddu ar y wybodaeth honno) (Paragraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf).

Roedd y prawf budd y cyhoedd o ran y mater hwn yn ymwneud â cheisiadau am ostyngiad yn y Dreth Gyngor yn ôl disgrisiwn ac yn yr holl amgylchiadau

yn yr achos roedd y budd i'r cyhoedd o ran cynnal yr eithriad o dan baragraff 14 o Atodlen 12A i Ddeddf 1972 yn drech na'r budd i'r cyhoedd o ran datgelu'r wybodaeth yn yr adroddiad gan y gallai datgelu'r wybodaeth gael effaith anghymesur ar yr unigolion dan sylw ac nad oedd yn angenrheidiol at unrhyw un o'r dibenion a nodir yn Neddf Diogelu Data 2018.

Bu'r Aelod Cabinet yn ystyried adroddiad oedd yn manylu ar y ceisiadau oedd wedi dod i law am ostyngiadau yn ôl disgrisiwn o ran y Dreth Gyngor.

Nodwyd bod rheoliadau wedi eu cyflwyno, a ddaeth i rym ym mis Ebrill 2004, a roddai bwerau disgrisiwn i awdurdodau lleol roi disgownt neu ostyngiad a benderfynwyd yn lleol o ran y Dreth Gyngor, a bod y rhain yn ychwanegol at y gostyngiadau statudol presennol. Er bod awdurdod dirprwyedig wedi'i roi i Bennaeth y Gwasanaethau Ariannol i benderfynu ar geisiadau sy'n dod o fewn meini prawf penodol, yr Aelod Cabinet dros Adnoddau fydd yn penderfynu ar geisiadau y tu allan i'r meini prawf hynny:

PENDERFYNWYD:

- 5.1 **Bod y dyfarniadau a nodir yn Atodiad A i'r adroddiad yn cael eu cymeradwyo a bod yr awdurdod dirprwyedig hwnnw'n cael ei roi i Reolwr y Gwasanaethau Refeniw i gymeradwyo lleihau, dileu neu gynyddu'r dyfarniad pe bai newid mewn amgylchiadau yn y dyfodol;**
- 5.2 **Bod ceisiadau 60400061-6, 60332021-5 a 60415766-0 yn cael eu caniatáu, yn unol â'r symiau a nodir yn yr adroddiad.**
- 5.3 **Bod y swm dyledus mewn perthynas â rhif 60409283-7 mewn perthynas â'r cyfnod 4.4.22 – 14.8.22 yn cael ei ddileu.**

7. CYFRIFON NA ELLIR EU HADFER - TRETHI ANNOMESTIG

Yn sgil cynnal y prawf budd y cyhoedd PENDERFYNWYD, yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod 3 uchod, beidio â chyhoeddi cynnwys yr adroddiad am ei fod yn cynnwys gwybodaeth eithriedig ynghylch materion ariannol neu faterion busnes unrhyw unigolyn penodol (gan gynnwys yr Awdurdod oedd yn meddu ar y wybodaeth honno) (Paragraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf).

Roedd y prawf budd y cyhoedd o ran y mater hwn yn ymwneud â cheisiadau am ddileu Ardrethi Annomestig anadferadwy ac yn holl amgylchiadau'r achosion roedd y budd i'r cyhoedd o ran cynnal yr eithriad uchod yn drech na'r budd i'r cyhoedd o ran datgelu'r wybodaeth yn yr adroddiad gan y gallai datgelu'r wybodaeth gael effaith anghymesur ar yr unigolion dan sylw ac nad oedd yn angenrheidiol at unrhyw un o'r dibenion a nodir yn Neddf Diogelu Data 2018.

Bu'r Aelod Cabinet yn ystyried adroddiad a oedd yn manylu ar gyfrifon y nodwyd nad oedd modd eu hadennill. Yr oedd yr holl weithdrefnau adennill wedi cael eu defnyddio, lle'r oedd hynny'n briodol, ac nid oedd dim tebygolrwydd y byddai modd cael y taliadau. Felly, bernid ei bod yn briodol dileu'r cyfrifon hyn.

PENDERFYNWYD dileu'r ôl-ddyledion, fel yr oeddid wedi manylu arnynt yn yr adroddiad, am nad oedd modd eu hadennill.

AELOD O'R CABINET

DYDDIAD

5FED MEDI 2023

Yr Aelod Cabinet:	Portffolio:
Cyng. Alun Lenny	Adnoddau

CYFRIFON NA ELLIR EU HADFER

PWRPAS:

I ystyried os mae'n briodol i ddiddymu'r cyfrifion hyn yn anadferadwy.

YR ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:

Argymhellir bod y cyfrifion a restrir yn cael eu hystyried yn anadferadwy.

RHESYMAU:

Bydd gweithdrefnau adfer o ran yr achosion hyn wedi cael eu defnyddio i'r eithaf, ac nid oes tebygrwydd yn awr y ceir tâl.

Am y rhesymau a nodir yn erbyn yr achosion, mae'n briodol diddymu'r cyfrifion yn anadferadwy.

Y Gyfarwyddiaeth: Gwasanaethau Corfforaethol	Swydd:	Tel Nos. / E Mail Addresses :
Enw Pennaeth y Gwasanaeth: Helen Pugh	Pennaeth Refeniw a Chydymffurfio Ariannol	HLPugh@sirgar.gov.uk
Awdur yr Adroddiad: Ann Thomas	Rheolwr Gwasanaethau Refeniw	01554 742126 anthomas@sirgar.gov.uk

Declaration of Personal Interest (if any):

None.

Dispensation Granted to Make Decision (if any):

Not Applicable.

Decision Made:

Signed:

DATE: _____

CABINET MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY
CABINET MEMBER FOR RESOURCES DECISIONS MEETING
5th September 2023

IRRECOVERABLE ACCOUNTS

1. The Revenue Services Unit is responsible for collecting significant sums each year in respect of local taxation (Business Rates and Council Tax), Benefit Overpayments and Sundry Debtors (miscellaneous income accounts)
2. The net collectable debit, i.e. the total payable after reliefs and allowances, for these income strands will vary from year to year but is normally well in excess of £200 million, with good collection rates normally achieved. Despite these good collection rates there will inevitably be accounts where it has not proved possible to recover the debt in full.
3. Annually the department raises approximately 50,000 Sundry Debtor invoices the value of which fluctuates from year to year but is usually in the region of £60m
4. The attached schedules give details of Sundry Debtor account that has been identified as irrecoverable for the reasons outlined.
5. Recovery procedures, where appropriate, have not secured payment and there is no likelihood of payment now being obtained. It is therefore considered appropriate to write off the account against the Authority's prudent bad debt provision.

DETAILED REPORT ATTACHED ?

YES (account schedules)

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Ann Thomas**

Revenue Services Manager

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	YES	NONE	NONE	NONE	NONE

2. LEGAL

Public Interest Test

3. Finance

As stated, losses are offset against the Council's prudent general bad debt provision other than Non-Domestic rate debts which are offset against the Council's contribution to the Welsh Government NDR Pool.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Ann Thomas

Revenue Services Manager

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not Applicable.

2. Local Member(s)

Not Applicable.

3. Community / Town Council

Not Applicable.

4. Relevant Partners

Not Applicable.

5. Staff Side Representatives and other Organisations

Not Applicable.

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

These are detailed below:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Individual files / electronic documents held on Information@Work	As report	Revenue Services Unit, Ty Elwyn, LLANELLI

Mae'r dudalen hon yn wag yn fwriadol

Executive Board Member for Resources - Decision Meeting

5th September 2023

Irrecoverable Account- Sundry Debtors

1.	Ref. 400496
Name & Address of Applicant(s)	<ul style="list-style-type: none">• Bob Jones, Prytherch & Co Marts Limited
Background / Basis of Request	<ul style="list-style-type: none">• The debt has accrued in relation to lease rental fees in respect of Carmarthen Mart.• Details of the debt accrued are contained in appendix A.• Carmarthenshire Count Council has sought legal advice from Counsel, and details prepared from the legal section are contained at appendix B
Current Application	<ul style="list-style-type: none">• To write off Total Debt £390 773.56
Recommendation	<ul style="list-style-type: none">• To approve the write off
Reason for	<ul style="list-style-type: none">• There is little to suggest at this stage that any enforcement action would be proportionate to the

Recommendation

expense involved.

- There is no evidence of the Company being able to meet the consequences of enforcement action.
- Given that the company does not appear to be trading any longer and intends to dissolve itself, the threat of enforcement action does not appear of any benefit either.
- There is therefore no likelihood of recovering the debt.
- The information is supported by Counsel's advice to the Council and focuses upon whether there is sufficient evidence of assets of BJP available to meet any Judgment that may be obtained by CCC or generally to meet its liabilities to CCC.

400496 BOB JONES PRYDDERCH

Invoice No	Trans Type	T T Desc	Trans. Date	Invoiced	Transfers	Cancellations	Payments	Balance	Tax Amount	Narrative
94480837	SO	Normal Sales Orders	06/01/2017	161,553.94			0.00	68,670.61	26,925.66	GROUND COMMISSION AS PER CERTIFIED ACCOUNTS 01.05.2013 TO 30.04.2015
94480837	RC	Cash Receipting	06/11/2017				-10,000.00			
94480837	RC	Cash Receipting	06/01/2018				-20,000.00			
94480837	TR	Transfer from 91449234	30/05/2018		-2,096.00					
94480837	TR	Transfer from 91690859	30/05/2018		-13,912.32					
94480837	TR	Transfer from 91528338	30/05/2018		-30,000.00					
94480837	CA	part Cancellation	18/07/2018			-0.01				
94480837	RC	Cash Receipting	15/11/2018				-6,875.00			
94480837	TR	Transfer 93840614	18/01/2019				-10,000.00			
94480837	TR	Transfer 93840614	18/01/2019	161,553.94	-46,008.32	-0.01	-46,875.00	68,670.61	26,925.66	QUARTERLY RENTAL RE CARMARTHEN LIVESTOCK MART 29/09/17 TO 24/12/17
94763556	SN	Subscription	11/12/2017	20,625.00				13,750.00	0.00	
94868164	RC	Cash Receipting	11/06/2020				-6,875.00			
94763556	SN	Subscription	12/03/2018	20,625.00	0.00			13,750.00	0.00	QUARTERLY RENTAL RE CARMARTHEN LIVESTOCK MART 25/12/17 TO 24/03/18
94868164	RC	Cash Receipting					-2,500.00			
94868164	SN	Subscription	11/06/2018	20,625.00	0.00			18,125.00	0.00	
94847956	SN	Subscription	11/06/2018	20,625.00	0.00			20,625.00	0.00	QUARTERLY RENTAL RE CARMARTHEN LIVESTOCK MART 25/03/18 TO 23/06/18
94847956	SN	Subscription	11/06/2018	20,625.00	0.00			20,625.00	0.00	
94994043	SO	Normal Sales Orders	19/07/2018	18,329.42	0.00			18,329.42	0.00	INTEREST DUE ON ACCOUNT BALANCE FOR THE PERIOD 01/11/2015 - 30/06/2018
94994043	SO	Normal Sales Orders	07/08/2018	69,248.53	0.00			69,248.53	11,541.42	PROVISIONAL RENTAL DUE ON DRAFT GROSS COMMISSION UPON RECEIPT OF CERTIFIED ACCOUNTS 01.05.2016 - 30.04.2017
95004702	SN	Subscription	14/09/2018	20,625.00	0.00			20,625.00	0.00	QUARTERLY RENTAL RE CARMARTHEN LIVESTOCK MART 24/06/18 TO 28/09/18
95023397	SN	Subscription	10/12/2018	20,625.00	0.00			20,625.00	0.00	QUARTERLY RENTAL RE CARMARTHEN LIVESTOCK MART 29/09/18 TO 24/12/18
95100914	SN	Subscription	11/03/2019	20,625.00	0.00			20,625.00	0.00	QUARTERLY RENTAL RE CARMARTHEN LIVESTOCK MART 25/12/18 TO 24/03/19
95227074	SN	Subscription	10/06/2019	20,625.00	0.00			20,625.00	0.00	QUARTERLY RENTAL RE CARMARTHEN LIVESTOCK MART 25/03/19 TO 23/06/19
95227074	SN	Subscription	10/06/2019	20,625.00	0.00			20,625.00	0.00	QUARTERLY RENTAL RE CARMARTHEN LIVESTOCK MART 24/06/19 TO 08/12/20
95306169	SN	Subscription	15/02/2021	120,150.00				99,525.00	0.00	
96031651	CA	Part Cancellation	24/03/2021			-20,625.00				
96031651	CA	Part Cancellation				-20,625.00				
			TOTALS	513,656.89	-46,008.32	-20,625.01	-56,250.00	390,773.56	38,467.08	

Mae'r dudalen hon yn wag yn fwriadol

Bob Jones, Prytherch & Co Marts Limited

Company Number: 03286991

Dear Ann

Please find below information in relation to the recovery of rent arrears owed by Bob Jones, Prytherch & Co Marts Limited (BJP) to Carmarthenshire County Council (CCC) in respect of a lease of Carmarthen Livestock Market, Nantyci, Carmarthen.

The information is supported by Counsel's advice to the Council and focuses upon whether there is sufficient evidence of assets of BJP available to meet any Judgment that may be obtained by CCC or generally to meet its liabilities to CCC.

Background

Following the expiry of a previous lease during November 2009, the Company continued to occupy the Market under a new lease with a 10 year term expiring on the 9th November 2019. The Council was not prepared to grant a new lease to the tenant BJP on the grounds of persistent delay in paying rent which had become due. A Section 25 Notice of the L&T Act 1954 was sent to the tenant on the 4th December 2019 giving notice of its intention to end the tenancy on the 11th June 2020. The tenant failed to apply to the Court for a new tenancy and the Company remained in occupation until CCC took possession of the premises on the 9th December 2020.

There was an annual rent of £82,500 plus an additional payment calculated by reference to the Company's turnover from time to time. The Company failed to provide figures to enable the turnover rent to be calculated. Further, the Company failed to pay the annual rent payable quarterly according to the lease. Arrears are in the region of £390,773.56. Payments were sporadic.

CCC commissioned reports in July 2021 as to the Company's ability to meet its financial liabilities if the debt were to be enforced. (Dun & Bradstreet, Credit Safe and Experian). These reports reveal that the company has 11 unsatisfied County Court Judgments recorded against it registered between 2020 and 2021. In addition, the Company has two debentures registered to Barclays Bank plc, both are for "all monies." The last set of accounts filed for 2019 show

a deficit of £1,382,324. There is clearly no evidence that the Company has any assets to meet the debt owed to CCC.

CCC has been notified by Companies House of its intention to dissolve the Company. On the 9th July 2021, CCC made an objection to Companies House to the Compulsory Strike-Off/Dissolution of BJP. Companies House confirmed that the Strike-Off action had been suspended until 11th January 2022. On the 21st December 2021, the Council made an application to Companies House to maintain the objection to Compulsory Strike-Off beyond the 11th January 2022. On the 30th December 2021, Companies House confirmed that they had stopped the Strike-Off/Dissolution action until the 30th June 2022. On the 24th June 2022 Companies House informed that another Company had made an application to maintain the objection to Strike-Off action. Therefore, the new date for Strike-Off was the 7th December 2022. On the 15th August 2023 an enquiry was made to Companies House as to whether the Strike-Off action had been further extended as the Company status of BJP shown on Companies House is "Active proposal to strike off." Companies House would not confirm whether there had been an application to extend the Strike-Off action (owing to Data Protection). This may however, suggest that another company may have made an application to maintain the objection to Strike-Off and Companies House had extended the Strike-Off action for possibly 6 months? The suspension of Strike-Off action is to allow all creditors to consider their options as to whether to pursue the Company before it is closed.

Methods of Enforcement

The lease is with the Company. (no guarantees in respect of the Company's liabilities were required at any stage in the lease negotiations). Accordingly, the only party liable for the arrears is the Company.

If a claim were issued so that a Judgment could be obtained for the debt, CCC would join the other 11 Judgment creditors.

If a statutory demand were issued so that CCC could petition for the Company's insolvent liquidation CCC would fall into line with the other unsecured creditors. Bearing in mind that Barclays Bank is a secured creditor, any assets would be realised to meet the Bank's debts first. Although there is no evidence of the amount owed to the Bank, it is likely that there is to exist some debt and no evidence of any assets.

In consideration of the likely cost of pursuing potential causes of action. A claim in the County Court, if undefended, would amount to the cost of the issue fee (£10,000.00) and preparation of a claim form and Particulars of Claim plus a request for Default Judgment.

Pursuing a winding up petition would cost the preparation of the statutory demand, petition and a Court fee of £1,880.00.

In conclusion, there is little to suggest at this stage that any enforcement action would be proportionate to the expense involved. There is no evidence of the Company being able to meet the consequences of enforcement action. Given that it does not appear to be trading any longer and intends to dissolve itself, the threat of enforcement action does not appear of any benefit either.

Mae'r dudalen hon yn wag yn fwriadol

Eitem Rhif 5

Yn rhinwedd paragraff(au) 14 o Ran 4 o Atodlen 12A o ddeddf Llywodraeth Leol 1972 fel y'i diwygiwyd gan
Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007

Document is Restricted

Mae'r dudalen hon yn wag yn fwriadol

Document is Restricted

Mae'r dudalen hon yn wag yn fwriadol