



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR FINANCE AND EFFICIENCY

TOPIC – BUSINESS RATE WRITE OFF

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Corporate Director (Governance), the Chief Executive and the Head of Finance are consulted together with Chairman and Vice Chairman of the Principal Scrutiny Committee and all Members of the relevant Scrutiny Panel (individual Ward Members are consulted separately where appropriate). In addition, all Members are notified.

Five or more of these consulted Members can require that the matter be referred to Cabinet for determination.

Contact Officers:

Case Officer: Gill Cranswick 01962 848190 gcranswick@winchester.gov.uk

Committee Administrator: Ellie Hogston 01962 848155 ehogston@winchester.gov.uk

SUMMARY

Approval is sought to write-off a Non Domestic-Rate debt amounting to £95,125.23 relating to a company in Compulsory Liquidation. The order to wind up was issued on 13 January 2009. The company is Dart Praha Limited and the property address is 30 Moorside Road, Winchester.

The debt covers the period 16 February 2007 to 13 January 2009. A bill was issued on 30 June 2007 when the property was entered in the rating list. Some payments were made but the company then cancelled the direct debit instruction and recovery action was taken (reminder notice 19 November 2007, final notice 10 December 2007, summons 23 January 2008 and Liability Order 27 February 2008). An arrangement to pay was made with the company and an initial payment was made in February 2008.

A bill for the new financial year was issued in March 2008. Payment was not made and recovery action was taken (reminder notice 21 April 2008, final notice 19 May 2008, summons 25 June 2008 and Liability Order 16 July 2008). The company wrote to the Council on 10 November 2008 to advise that some equipment had been removed and that the staff had been made redundant. An offer to make payments at £3000 per month was made. Further information was requested but was not supplied and payments were not made.

A check on the status of the company with Companies House revealed that the company had been wound up on 13 January 2009. A closing bill was sent to the Official Receiver on 5 February 2009 for the total outstanding balance of £95,125.23. In total, payments of £81,519.30 were received prior to the winding up of the company.

The Responsibility for Functions – Part 3, Section 3.2 of the Council's Constitution provides for a Scheme of Delegation to Portfolio Holders.

Each Portfolio Holder

1. To incur expenditure or to make decisions in connection with the operation of services within the budget and policy framework approved by Council, other than on contract award, IT projects, or where a more specific delegation is granted in this scheme, subject to:
 - (a) in relation to individual matters where Cabinet has specifically authorised delegation to a portfolio holder up to a limit per project of £500,000 and
 - (b) in any other case up to £200,000

DECISION

That approval is given, under Financial Procedure Rules 11.7, to write off a Non-Domestic Rate debt amounting to £95,125.23 for Dart Praha Limited in Compulsory Liquidation.

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

For companies in Administration there is little prospect of any recovery of the debt. Any payments in future from the Administrators would be accepted.

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

n/a

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

n/a

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

n/a

Approved by: (signature)

Date of Decision

03.03.09

Councillor Frederick Allgood

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Portfolio Holder for Finance and Efficiency