

## SETTING UP IN BUSINESS

### INTRODUCTION:

Businesses are set up to make a profit.

A business generates income by selling products and/or services.

To be able to sell products/services, the business must **incur expenses**. If the income exceeds the costs of the business, the business makes profit.

Companies House = the Registrar of Companies in the UK.

Considerations that determine the most suitable business media:

- Cost considerations:**
  - A proportion of the company's profit may be **given** to the business owners. The rest is **retained** by that business for growth.
  - The company will need to raise finance to pay for set-up costs, develop and expand.
  - Businesses raise finance in four ways:
    - Investment by the company's owners
    - Investment by outside investors
    - Borrowing money – e.g. **issuing of a loan**
    - Retaining a proportion of the profits (instead of distributing it to investors/owners (dividend))
- Mitigating or minimising risk:**

Does the owner have personal liabilities for all debt?
- Structural considerations:**

Business media should provide a clear organisational structure.

### CHOICE OF BUSINESS MEDIA:

#### Sole trader:

An individual running a business on their own as an entrepreneur.

PROS	CONS
<ul style="list-style-type: none"> <li>Sole trader has <b>complete control</b> over how the business is run.</li> <li>No formalities when setting up and <b>no setting up costs</b> for ongoing expenses.</li> <li>No publicity requirements, <b>may be maintain privacy</b>.</li> </ul>	<ul style="list-style-type: none"> <li><b>Unlimited personal liability.</b></li> <li><b>No quick finance options.</b> Sole trader can get a bank loan but cannot create floating charges nor raise finance by share issue.</li> <li><b>Owner pays tax as an individual</b> (income tax and CGT) – may pay higher rates</li> </ul>

#### Partnerships:

Two or more people running a business for profit together without incorporating a company. – **s.1(1) Partnership Act, 1890**

PROS	CONS
<ul style="list-style-type: none"> <li>Partners may sell out <b>how the partnership is run in the Partnership Agreement</b>, if no PA, the default provisions in the <b>PA 1890</b> step in.</li> <li><b>No setting up costs</b> nor ongoing expenses, however it is advisable to have a PA signed.</li> <li>Easy to maintain privacy.</li> </ul>	<ul style="list-style-type: none"> <li><b>Unlimited personal liability. No separate legal identity.</b> Partners own property and enter into contracts jointly.</li> <li><b>No quick finance options.</b> Partners can borrow but cannot create floating charges nor issue shares.</li> <li>Partners <b>pay tax as an individual</b> (income tax and CGT) – may pay higher rates</li> </ul>

#### Limited Liability Partnerships (LLPs):

Two or more people running a business with the benefit of **limited liability** but without becoming a company.

PROS	CONS
<ul style="list-style-type: none"> <li><b>Limited liability.</b> Different types of partners – General partners (unlimited liability) and limited partners.</li> <li>Partners may sell out <b>how the LLP is run in the Partnership Agreement</b>, if no PA, the <b>LLPA 2000</b> default provisions step in.</li> <li><b>Low setting up costs.</b> However it is advisable to have a PA signed but must <b>incorporate the business at Companies House</b>.</li> <li><b>Good finance options.</b> Partners can borrow and create floating charges but cannot issue shares.</li> </ul>	<ul style="list-style-type: none"> <li><b>Ongoing expenses</b> as accounts must be prepared and a confirmation statement must be filed.</li> <li>Partners <b>pay tax as an individual</b> (income tax and CGT) – may pay higher rates</li> <li>Privacy is lost when the LLP is registered due to the disclosure requirements.</li> <li><b>If a loan is underwritten</b> by a lender, <b>unlimited liability is removed</b>.</li> </ul>

#### Private companies limited by shares:

One or more people running a business under the **separate legal personality** of a company with the benefit of limited liability.

PROS	CONS
<ul style="list-style-type: none"> <li><b>Limited liability. Separate legal personality</b> – The company may claim property and enter into contracts in its own name.</li> <li>The company can sell out <b>its own procedures</b> (specified in the articles).</li> <li><b>Cheap to register online.</b></li> <li><b>Good finance options.</b> Companies can borrow, create floating charges and issue shares.</li> <li>The company <b>pays corporation tax</b> – may pay lower rates.</li> </ul>	<ul style="list-style-type: none"> <li><b>Higher ongoing expenses</b> due to the filing requirements and other regulations.</li> <li>The company must follow the <b>CA 2006 decision-making procedures</b>.</li> <li>Privacy is lost when the LLP is registered due to the disclosure requirements.</li> <li>Cannot offer its shares to the public so <b>harder to find investors</b>.</li> </ul>

#### Public companies:

A company that is able to offer its shares to the public and must comply with higher reporting requirements as a result.

**s.755 CA 2006** Only public companies can offer shares to the public.

**s.15(2)** The name of public companies must end in "Public Limited Company" or "plc".

Public companies must have:

- At least **1 Annual General Meeting** each year. – **s.336**
- At least **1 shareholder** – **ss.75(1) and s.86(1)**
- At least **2 directors** – **s.154(2)**
- At least **1 company secretary** – **s.271**  
**s.271(2)** The company secretary must have the requisite knowledge and experience and hold a relevant qualification.
- Share capital with a nominal value of at least **£50,000**. – **s.755**  
**s.761(1)(2)** Public companies cannot commence business until a **trading certificate** is issued by Registrar showing that the company's allotted share capital is not less than the minimum.

#### Listed companies:

The company's shares will be **listed on the London Stock Exchange** to market the shares. The company may raise large amounts in funds this way. The company must be a plc before listing, so private companies must be converted. All the **listings regulations** must be complied with before making an application.

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**Wenbin Ji**



**Lpc Blp Revision Notes Bing S Blog:**

Lpc Blp Revision Notes Bing S Blog: Bestsellers in 2023 The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the fascinating narratives that have enthralled audiences this year. The Must-Read : Colleen Hoover "It Ends with Us" This poignant tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This evocative coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These popular novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of engaging stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and gripping novel that will keep you wondering until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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