

LIQ03

Notice of progress report in voluntary winding up



Companies House

MONDAY



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27/07/2020

#127

COMPANIES HOUSE

1 Company details

Company number 0 0 6 3 1 2 0 9

Company name in full Davy McKee (Sheffield) Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Guy Robert Thomas

Surname Hollander

3 Liquidator's address

Building name/number Tower Bridge House

Street St Katharine's Way

Post town London

County/Region

Postcode E 1 W 1 D D

Country

4 Liquidator's name

Full forename(s) Neil John

Surname Mather

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address

Building name/number Tower Bridge House

Street St Katharine's Way

Post town London

County/Region

Postcode E 1 W 1 D D

Country

② Other liquidator

Use this section to tell us about
another liquidator.

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Period of progress report

From date	^d 2	^d 8	^m 0	^m 5	^y 2	^y 0	^y 1	^y 9
To date	^d 2	^d 7	^m 0	^m 5	^y 2	^y 0	^y 2	^y 0

7

Progress report

☒ The progress report is attached

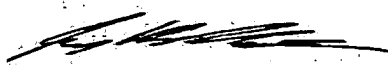
8

Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 2	^d 7	^m 0	^m 7	^y 2	^y 0	^y 2	^y 0
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**Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Jolyon Wheller**

Company name **Mazars LLP**

Address **Tower Bridge House**

St Katharine's Way

Post town **London**

County/Region

Postcode **E 1 W 1 D D**

Country

DX

Telephone **020 7063 4000**

**Checklist**

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.

**Important information**

All information on this form will appear on the public record.

**Where to send**

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.

**Further information**

For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

Davy Mckee (Sheffield) Limited - In Liquidation

Liquidators' progress report covering the period from 28 May 2019 to 27 May 2020

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Davy Mckee (Sheffield) Limited - In Liquidation ("the Company")

Progress Report to Creditors & Members

1. Introduction

- 1.1. This report is prepared pursuant to Rules 18.3 and 18.7 of the Insolvency (England and Wales) Rules 2016, the purpose of which is to provide creditors with details of the progress of the Liquidation during the 12 months to 27 May 2020 ("the current reporting period").
- 1.2. I was appointed Joint Liquidator of the Company together with Michael Wellard at a meeting of creditors held on 28 May 2014. Mr Wellard retired as a partner of the firm and was replaced as Joint Liquidator by Roderick John Weston on 29 April 2014. Roderick Weston subsequently retired from the firm and was replaced by Neil John Mather, also of Mazars LLP, by Court Order dated 5 September 2016.
- 1.3. Both myself and N J Mather are authorised to act as Insolvency Practitioners in the UK by the Institute of Chartered Accountants in England and Wales.
- 1.4. Identification details relating to the Company and the Liquidators are attached at Appendix A.

2. Liquidators' Receipts and Payments

- 2.1. A summary of receipts and payments covering the period from 28 May 2019 to 27 May 2020 is attached at Appendix B. The receipts and payments account also covers the cumulative period from the date of appointment to 27 May 2020. A comparison of the figures provided in the director's Statement of Affairs to actual realisations made to date is included to assist creditors in assessing progress to date.

3. Assets and Liabilities

3.1. Assets and details of progress

- 3.1.1. As per the director's statement of affairs, the Company's only unrealised assets are investments in group companies and intercompany receivables as per Appendix B.
- 3.1.2. There have been no realisations made in the current reporting period.
- 3.1.3. As you were advised in my letter of 25 October 2018, the process of calculating the distributions within the Group is complex given the significant number and quantum of the intercompany claims, as assets available for distribution within one company depend on the value of its claims against other companies, and vice versa. A modelling exercise was carried out and Counsel's advice was obtained.

- 3.1.4. On the basis of the above, we concluded with the directors and their legal adviser that it was appropriate to consolidate the estates across all 16 companies given the complexities of making distributions across the various estates. The model demonstrated that there would have to be in excess of 14,000 distributions to undertake if the exercise was completed manually.
- 3.1.5. Based on the advice and the results of the modelling exercise, we concluded that the most efficient way to make the distribution was through TH Group Services Limited – in liquidation (“THGS”) that had held the majority of the cash across the Group. Accordingly, THGS will be paying distributions to all third party, unsecured creditors across the 16 estates.
- 3.1.6. We are awaiting a recovery in respect of an independent joint venture that is expected to generate around £70,000 before adjudicating on claims and making the distributions.
- 3.1.7. In accordance with Statement of Insolvency Practice 13, I would advise you that there have been no transactions with connected parties.

3.2. Unsecured Creditors

- 3.2.1. The Company’s liabilities, as disclosed in the directors’ statement of affairs, are referenced in the receipts and payments account.
- 3.2.2. The distribution model created shows that there will be sufficient funds to pay a dividend to unsecured creditors but at this stage the quantum is unknown.
- 3.2.3. An advert for creditors’ claims was placed in The London Gazette on 20 November 2018. No further claims were received as a result and a further advert will be published once we are in a position to adjudicate on claims.

4. Prescribed Part

- 4.1. In accordance with Section 176A of the Insolvency Act 1986, a proportion of the Company’s net assets are to be set aside for the benefit of the Company’s unsecured creditors where the Company has granted a floating charge after 15 September 2003. This is calculated as being 50% of the first £10,000 of net property and 20% of net property thereafter, subject to a maximum fund of £600,000. Net property is defined as being the realisations from assets subject to the floating charge after costs and after settlement of the preferential creditors’ claims.
- 4.2. As there is no floating charge, the Prescribed Part does not apply in this instance.

5. Investigations

- 5.1. In accordance with the Company Directors Disqualification Act 1986, the Joint Liquidators are required to investigate the affairs of the Company and the conduct of the directors during the three years prior to the Liquidation. The Joint Liquidators can confirm that this obligation has been complied with and a confidential report was submitted to the Insolvency Service on 01 July 2016.

- 5.2. An initial investigation into the Company's affairs was also undertaken by the Liquidators in accordance with Statement of Insolvency Practice 2. The purpose of these investigations is to establish whether there are any potential asset recoveries or conduct which requires further investigation.
- 5.3. Following this initial review no further assets or actions were identified which would lead to a recovery for creditors. Therefore no additional time in respect of investigations has been incurred in this period.
- 5.4. Should creditors have any information which they consider may assist the Liquidators in carrying out their investigations, or be aware of any matters which they believe should be brought to the attention of the Liquidators, please provide details in writing to this office. This request for information forms part of our usual investigation procedures and does not imply that there may be any cause of action lying against any person concerned in the Company's affairs.

6. Liquidators' Remuneration

- 6.1. It should be noted that following the approval of a fixed fee in the liquidation of TH Group Services Limited (In Liquidation) ("THGS") on 1 October 2018, all billing across the Group will be done under this fixed fee and no time will be charged to the individual Group companies.

7. Liquidators' Disbursements

- 7.1. Disbursements are expenses paid by this firm in the first instance and subsequently re-charged to the estate when there are sufficient funds. There are two categories of disbursements, including Category 1 (payments directly to independent third parties) and Category 2 (costs incurred by the Joint Liquidators or the firm that can be allocated to the case on a proper and reasonable basis).
- 7.2. Category 2 disbursements require approval in the same manner as remuneration and a resolution was passed on 1 October 2018 by the creditors in agreement of the anticipated Category 2 disbursements of the Joint Liquidators in respect of this company.
- 7.3. Any disbursements are paid through THGS for the reasons explained above.

8. Matters outstanding

- 8.1. Currently, the only matter outstanding which is preventing the closure of this case is paying the distribution. As mentioned in Section 3.1.6, we are still awaiting a sizeable receipt before we can proceed with the distribution.

9. Creditors' Rights

9.1. Further information

- 9.1.1. I would advise you that, pursuant to Rule 18.9 of the Insolvency (England and Wales) Rules 2016, a secured creditor or an unsecured creditor with concurrence of at least 5% in value of the unsecured creditors or an unsecured creditor with permission of the Court, may, within 21 days of receipt of this progress report, ask the Liquidators for further information about the remuneration and expenses set out in this progress report.

9.2. Apply to Court

- 9.2.1. Additionally, pursuant to Rule 18.34 of the Insolvency (England and Wales) Rules 2016, a secured creditor or an unsecured creditor with concurrence of at least 10% in value of the unsecured creditors or an unsecured creditor with the permission of the Court may, within 8 weeks of the receipt of this progress report, apply to the Court on one or more of the following grounds:
- a. That the remuneration charged by the Liquidators; or
 - b. That the basis fixed for the Liquidators' remuneration; or
 - c. That the expenses incurred by the Liquidators;
- is in all of the circumstances, excessive or inappropriate.

9.3. Further guidance

- 9.3.1. In accordance with Statement of Insolvency Practice 9, creditors can find additional information on their rights relating to Liquidators' fees in a copy of the publication "A creditors guide to Liquidators' fees" which is available to download from the following website:

<https://www.r3.org.uk/media/documents/publications/professional/Liquidations%20Creditor%20Fee%20Guide%20April%202017.pdf>

or, alternatively, will be provided free of charge upon written request to this office.

- 9.3.2. For further general information regarding a creditor's role throughout an insolvency process, creditors are reminded that they can also visit <http://www.creditorinsolvencyguide.co.uk>.

I trust that the above is in order but please do not hesitate to contact me should you have any questions.



G R T Hollander
Joint Liquidator

Dated 27 July 2020

Authorised to act as an insolvency practitioner in the UK by the Institute of Chartered Accountants in England and Wales and bound by the Insolvency Code of Ethics. Where personal data is required to be processed, this will be dealt with in accordance with the Mazars LLP Insolvency Services Privacy Statement which can be accessed at: www.mazars.co.uk/Legal-and-privacy.

Davy Mckee (Sheffield) Limited - In Liquidation
Identification Details

Details relating to the Company

Company name	Davy Mckee (Sheffield) Limited
Company number	00631209
Former Registered office	Surrey House, 36-44 High Street, Redhill, Surrey, RH1 1RH
Trading address	Surrey House, 36-44 High Street, Redhill, Surrey, RH1 1RH

Details relating to the Liquidators

Date of appointment	28 May 2014
Liquidators	G R T Hollander and N J Mather of Mazars LLP IP No(s): 009233 and 008747
Previous Liquidator	M J Wellard and R J Weston formerly of Mazars LLP IP No(s): 009670 and 008730
Joint Liquidators' address	Mazars LLP, Tower Bridge House, St Katharine's Way, London, E1W 1DD
Joint Liquidators' contact telephone number	020 7063 4000

Davy McKee (Sheffield) Limited
Joint Liquidators' Abstract of Receipts & Payments

Statement of Affairs			From 28/05/2014 To 27/05/2019	From 28/05/2019 To 27/05/2020	From 28/05/2014 To 27/05/2020
Book value	Estimated to realise				
		ASSET REALISATIONS			
2,806,452	Uncertain	Debt due from Kvaerner Engineering & Construction UK Ltd - In liquidation	-	-	-
9,127	Uncertain	Debt due from Kvaerner Metals Ltd - In liquidation	-	-	-
169,016	Uncertain	Debt due from TH Global Ltd	-	-	-
15,568,426	Uncertain	Debt due from Trafalgar House Finance Ltd - In liquidation	-	-	-
		Funding for Costs from TH Group Services Limited	9,354	-	9,354
		Bank interest	2	-	2
		Interest in premises at Prince of Wales Road, Sheffield	5,500	-	5,500
			<u>14,856</u>	<u>0</u>	<u>14,856</u>
		COST OF REALISATIONS			
		Liquidators' Fees and disbursements	7,721	-	7,721
		Bond	40	-	40
		Courier	14	-	14
		Storage	24	-	24
		VAT Irrecoverable	1,559	-	1,559
		Transfer of funds to THGS liquidation account	<u>5,502</u>	<u>-</u>	<u>5,502</u>
			<u>(14,860)</u>	<u>0</u>	<u>(14,860)</u>
		UNSECURED CREDITORS			
(130,538)	(130,538)	Debt owing to Kvaerner Engineering & Construction UK Ltd - In liquidation	-	-	-
(1)	(1)	Chester Street Insurance Holdings Ltd	-	-	-
(1)	(1)	Financial Services Compensation Scheme	-	-	-
(68)	(68)	Weightmans LLP	-	-	-
(48,454)	(48,454)	Employer liability claims	-	-	-
	(7,721)	Amount owed to TH Group Services Limited - in liquidation under funding agreement	-	-	-
			<u>NIL</u>	<u>NIL</u>	<u>NIL</u>
		DISTRIBUTIONS			
(43,000,000)	(43,000,000)	Ordinary Shareholders	-	-	-
			<u>NIL</u>	<u>NIL</u>	<u>NIL</u>
<u>(43,179,062)</u>	<u>(43,186,783)</u>		<u>NIL</u>	<u>NIL</u>	<u>NIL</u>