

30 December 2022

The Registrar of Companies
Companies House
Crown Way
Maindy
Cardiff
CF14 3UZ

EX072CVL/DCF/DTC/RJG/
NS/DST/MJS/XCVL2115P
01078536
Niyanta Sahadave

Dear Sir or Madam

Exciting Biting Limited T/A Porters Restaurant (In Creditors' Voluntary Liquidation) (**"the Company"**)
Company Registration Number: 01078536

Please find enclosed the following for filing:

- Notice of final account prior to dissolution – LIQ14 (final account attached).

No objections were received from the Company's creditors to our release from office as Joint Liquidators.

If you need any further information, please contact Niyanta Sahadave of my office on the number below or by e-mail on at Niyanta.Sahadave@btguk.com.

Yours faithfully
For Exciting Biting Limited T/A Porters Restaurant

p.p *N. Sahadave*

David Farmer
Joint Liquidator

Enc

- LIQ14 and Final Report.

1066 London Road, Leigh On Sea, Essex, SS9 3NA
T: 01702 467255 E: southend@btguk.com W: www.begbies-traynor.com

Begbies Traynor is a trading name of Begbies Traynor (Central) LLP, a limited liability partnership, registered in England No: OC306540, registered office 340 Deansgate, Manchester, M3 4LY

David Farmer and Dominik Thiel-Czerwinke are licensed in the United Kingdom to act as Insolvency Practitioners by the Insolvency Practitioners Association.

Any reference to a partner is to a member of the limited liability partnership. A list of partners is available for inspection at the registered office. A member of the Begbies Traynor Group; Specialist Professional Services www.begbies-traynorgroup.com

Partners, Directors, and Consultants acting as administrators or administrative receivers contract as agents and without personal liability.

LIQ14

Notice of final account prior to dissolution in CVL



Companies House

For further information, please
refer to our guidance at
www.gov.uk/companieshouse

1 Company details

Company number 01078536

Company name in full Exciting Biting Limited T/A Porters Restaurant

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) David

Surname Farmer

3 Liquidator's address

Building name/number 1066 London Road

Street

Post town Leigh On Sea

County/Region Essex

Postcode SS9 3NA

Country

4 Liquidator's name ①

Full forename(s) Dominik

Surname Thiel-Czerwinke

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number 1066 London Road

Street

Post town Leigh On Sea

County/Region Essex

Postcode SS9 3NA

Country

② Other liquidator

Use this section to tell us about
another liquidator.

LIQ14

Notice of final account prior to dissolution in CVL

6 Liquidator's release

☐ Tick if one or more creditors objected to liquidator's release.

:

7 Final account

☒ I attach a copy of the final account.

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d3^d0

^m1^m2

^y2^y0^y2^y2

**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 **Richard J Goddard**

Company name **Begbies Traynor (London) LLP**

Address
31st Floor
40 Bank Street

Post town **London**

County/Region

Postcode **E 1 4 5 N R**

Country

DX

Telephone **020 7516 1500**

**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

**Exciting Biting Limited T/A Porters Restaurant
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments
From 8 November 2018 To 30 December 2022**

Statement of Affairs £		£	£
	ASSET REALISATIONS		
Uncertain	Short leasehold	NIL	
11,085.00	Plant & Machinery	1,750.00	
20,795.00	Fixtures & Fittings	7,500.00	
2,500.00	wet and dry stock	1,000.00	
2,674.52	Cash at Bank and in hand	2,674.52	
104,000.00	Rent Deposit	100,216.68	
	Bank Interest Gross	1.43	
3,325.48	Loan from Director	3,325.48	
			116,468.11
	COST OF REALISATIONS		
	Specific Bond	148.50	
	Statement of Affairs Fee	10,000.00	
	Liquidators' Fees	13,500.49	
	Liquidators' Expenses	406.00	
	Agents/Valuers Fees (1)	4,015.00	
	Legal Fees (1)	725.00	
	Irrecoverable VAT	83.58	
	Pension Costs	300.00	
	Stationery & Postage	252.59	
	Storage Costs	3,353.84	
	Statutory Advertising	169.20	
	Rents Payable	83,513.90	
	Bank Charges	0.01	
			(116,468.11)
	PREFERENTIAL CREDITORS		
(1,292.34)	RPO re Arrears/Holiday Pay	NIL	
(5,752.52)	Employees re Arrears/Hol Pay	NIL	
			NIL
	UNSECURED CREDITORS		
(98,982.72)	Trade Creditors	NIL	
(44,762.40)	Employees	NIL	
(3,325.48)	Directors	NIL	
(8,000.00)	PAYE/NIC	NIL	
(20,000.00)	HMRC (VAT)	NIL	
			NIL
	DISTRIBUTIONS		
(96.00)	Preference Shareholders	NIL	
(52,778.00)	Ordinary Shareholders	NIL	
			NIL
(90,609.46)			(0.00)
	REPRESENTED BY		
			NIL



**Exciting Biting Limited T/A Porters Restaurant
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments
From 8 November 2018 To 30 December 2022**

Statement of Affairs		
£	£	£

Dominik Thiel-Czerwinke
Joint Liquidator

Exciting Biting Limited T/A Porters
Restaurant **(In Creditors' Voluntary
Liquidation)**

Final report and account of the liquidation

Period: 08 November 2021 to 28 October 2022

Important Notice

This final report has been produced solely to comply with our statutory duty to report to creditors and members of the Company pursuant to Section 106 of the Insolvency Act 1986. This report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by creditors and members for any purpose other than this report to them, or by any other person for any purpose whatsoever.

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1. INTERPRETATION

<u>Expression</u>	<u>Meaning</u>
"the Company"	Exciting Biting Limited T/A Porters Restaurant (In Creditors' Voluntary Liquidation)
"the Liquidation"	The appointment of joint liquidators on 08 November 2018.
"the Liquidators", "we", "our" and "us"	Dominik Thiel-Czerwinke ("DTC") and David Farmer ("DF")* both of Begbies Traynor (Central) LLP, The Old Exchange, 234 Southchurch Road, Southend on Sea, SS1 2EG
"the Act"	The Insolvency Act 1986 (as amended)
"the Rules"	The Insolvency (England & Wales) Rules 2016
"secured creditor" and "unsecured creditor"	Secured creditor, in relation to a company, means a creditor of the company who holds in respect of his debt a security over property of the company, and "unsecured creditor" is to be read accordingly (Section 248(1)(a) of the Act)
"security"	(i) In relation to England and Wales, any mortgage, charge, lien or other security (Section 248(1)(b)(i) of the Act); and (ii) In relation to Scotland, any security (whether heritable or moveable), any floating charge and any right of lien or preference and any right of retention (other than a right of compensation or set off) (Section 248(1)(b)(ii) of the Act)
"preferential creditor"	Any creditor of the Company whose claim is preferential within Sections 386, 387 and Schedule 6 to the Act

2. COMPANY INFORMATION

Trading name(s):	Porters Restaurant
Company registered number:	01078536
Company registered office:	The Old Exchange, 234 Southchurch Road, Southend on Sea, Essex, SS1 2EG
Former trading address:	Porters Restaurant & Bar, Unit 3, 300 High Street, Berkhamsted, Hertfordshire, HP4 1ZZ

3. DETAILS OF APPOINTMENT OF LIQUIDATORS

Date winding up commenced:	08 November 2018
Date of Liquidators' appointment:	08 November 2018 – DTC & LCB** 28 July 2022 – DF*
Changes in Liquidator (if any):	On 28 July 2022 David Farmer* replaced Lloyd Biscoe ("LCB")** as Liquidator of the Company by an Order of the Court dated 19th August 2022 (See also Section 9)

4. PROGRESS SINCE OUR LAST REPORT

This is our final report and account of the Liquidation and should be read in conjunction with our previous progress report to creditors dated 10 November 2021. The administration of the Liquidation has been completed, and we are now proceeding to close the Liquidation and resign from office as Liquidators.

Receipts and Payments

Attached at Appendix 1 is our abstract of receipts and payments account (the "Account") for the period from 08 November 2021 to 28 October 2022 (the "Period"). This includes a cumulative account for the period since the date of our appointment on 08 November 2018.

The Company was (formerly) registered for VAT purposes but was deregistered during the course of the Liquidation. Notwithstanding, and nevertheless, VAT on costs and expenses in the Liquidation is reclaimable by the Liquidation estate ("the Estate"). Accordingly, where applicable, amounts are stated net of VAT (i.e., excluding VAT). Our comments on the items appearing in the Account are as detailed below:

RECEIPTS

There have been no receipts during the Period save for a small amount (of 1 pence) of interest earned on deposits held in the Estate bank account held with Barclays Bank PLC ("**Barclays**").

PAYMENTS

Bank Charges

A small amount (of £0.01) has been charged in the operation of the Estate bank account held with Barclays.

Irrecoverable VAT - Written-off as Uneconomical to Recover

A residual amount of VAT of £84 has been written-off as irrecoverable because it is not commercially viable to further protract the Liquidation in order to process the refund of this relatively immaterial sum.

Liquidators' Fees

An amount of £1,819 has been paid to our firm Begbies Traynor (Central) LLP ("Begbies") as a further payment on account of our fees, based upon the time properly given by us (as Liquidators) and the various grades of our staff calculated at the prevailing hourly charge out rates of Begbies in attending to matters arising in the conduct of the Liquidation. This is dealt with in more detail in Section 6 below.

Postworks and Stationery & Postage

A total amount of £6 has been charged to the Estate on account of the accumulated costs of printing, stationery & postage, in relation to correspondence and circulars sent to creditors in the course of the conduct of the Liquidation.

The work that has been done in the Period of this report, why that work has been necessary and the financial benefit (if any) to creditors

Details of the types of work that generally fall into the headings mentioned below are available on our firm's website - <http://www.begbies-traynorgroup.com/work-details>. Under the following headings we have explained the specific work that has been undertaken on this case. Not every piece of work has been described, but we have sought to give a proportionate overview which provides sufficient detail to allow creditors to understand what has been done, why it was necessary and what financial benefit (if any) the work has provided to creditors. The costs incurred in relation to each heading are set out in the Time Costs Analysis which is attached at Appendix 2. There is an analysis for the Period of the report. The details below relate to the work undertaken in the Period of the report only.

Various items of general work that have been carried out in the Period that have no direct financial benefit to creditors, but are either required by best practice or statute as detailed below, include:

- General case administration and planning;
- Compliance with the Act, Rules and best practice; and

- Dealing with creditors' claims and correspondence.

General case administration and planning

We are obliged to populate and maintain a virtual electronic case file, together with a hard copy (paper) Permanent File, to ensure we have a contemporaneous, accurate and complete record of how the case has been administered; including fully documenting the reasons for any decisions that materially affect the case. Moreover, where considered economical and appropriate to do so, we have carried out periodic bank reconciliations and internal case compliance and progression reviews. In addition, we have carried out periodic specific penalty bond reviews to ensure the adequacy of fidelity cover based upon the level of actual realisations achieved, if any, together with projected future realisations. Whilst these items of work are of no direct financial benefit to creditors, this is a statutory and best practice requirement for the aforementioned reasons.

Compliance with the Insolvency Act, Rules and best practice

Whilst of no direct financial benefit to creditors, in accordance with our obligations pursuant to the Act, Rules and best practice guidance, although not an exhaustive list, during the Period we have dealt with the following principal matters:

- Produced the previous annual report to creditors dated 10 November 2021; and
- Produced this final report to creditors.

This ensures that creditors are kept fully apprised of the progress of the conduct of the Liquidation and that all matters are dealt with expeditiously.

Dealing with all creditors' claims (including employees), correspondence and distributions

Throughout the course of the Liquidation, we have populated our Insolvency Practitioners System ("IPS") with all creditors' claims received to date and responded to creditors' enquiries as and when arising. However, during the Period there has been no work done in this respect.

Realisation of assets

There have been no realisations in the Period save for a small amount (of 1 pence) of interest earned on deposits held in the Estate bank account held with Barclays. As previously reported, the report on the financial position of the Company, pursuant to Statement of Insolvency Practice 6 sent to creditors prior to our appointment ("the SIP6 Report"), included the directors' statement of affairs as at 02 November 2018 (the "SofA"). Our previous reports to creditors have dealt in detail with the other realisations achieved in the course of the Liquidation and to which we would respectfully refer creditors. Our summary investigations did not reveal any other realisable assets, and consequently, there have been no other realisations in the Liquidation save for that shown in the Account.

Other matters which include seeking decisions from creditors (via Deemed Consent Procedure and/or Decision Procedures), tax, litigation, pensions and travel

As and when appropriate to do so, we have submitted VAT reclaims to His Majesty's Revenue & Customs ("HMRC") to recover VAT charged on costs and expenses incurred in the course of the Liquidation. In addition, where appropriate, we have submitted a corporation tax computation and Return (for the previous 12-month period) to HMRC. Whilst these particular items of work are of no direct financial benefit to creditors, it is a necessary requirement that we must adhere to in order to comply with prevailing tax legislation.

The work remains to be done, why this is necessary and the financial benefit, if any, it will provide to creditors

Whilst of no direct financial benefit to creditors, the work required to finalise the Liquidation and bring this case to a conclusion in order to comply with our duties in accordance with the Insolvency Act and Rules, and to the standard expected of this firm are as follows:

- (i) Submitting our final account to HMRC for the post-Liquidation Period;
- (ii) Sending a notice of our final account of the Liquidation to all creditors;

- (iii) Following expiry of eight weeks from delivery of this report to creditors, dealing with the filing of the final prescribed return at Companies House; and
- (iv) We will be obliged to archive the Company's underlying (hard paper) accounting records in compliance with Insolvency Practitioner Regulations and moreover, to preserve and retain the Company's underlying records in accordance with the prevailing tax legislation for a prescribed period until their eventual destruction, extending after the Liquidation has been finalised and the Company has been dissolved.

N.B. In accordance with The Insolvency Regulations 1994 Paragraph 16(2) we, as the Liquidators, may at any time after the expiration of a period of one year from the date of dissolution, destroy or otherwise dispose of the books, papers and other records of the Company.

All time costs incurred to finalise the Liquidation including the preparation of this final report together with all further time costs incurred in dealing with the various other residual matters mentioned above ("the Costs of Closure"), will be irrecoverable because there are no funds remaining in the Estate to defray these costs - see also Section 6 below.

5. OUTCOME FOR CREDITORS

The sums owed to creditors at the date of appointment were detailed in the directors' SofA, produced as part of the process of placing the Company into Liquidation. We have set out below the amounts due to each class of creditor together with the final outcome in the Liquidation.

Secured creditors

As at the date of our appointment, according to the SofA and Companies House records there are no outstanding unsatisfied secured creditors. Moreover, there have been no such claims received in the course of the Liquidation. Accordingly, as far as we are aware there are no secured creditors.

Preferential creditors

Preferential creditors ("the Preferentials") ordinarily comprises of former employees' claims for arrears of salary and wages up to a limit of £800 and holiday pay. Where the Insolvency Service aka the Redundancy Payments Service ("RPS"), makes certain preferential payments to the employees subject to statutory limits from the National Insurance Fund ("NIF"), the RPS will be a subrogated creditor (i.e., stand in the shoes of the employees) for the amounts the RPS has paid to them.

According to the SofA, the former employees' preferential claims were estimated to amount to £7,045. As mentioned previously, we supplied the RPS with the requisite information extracted from the Company's books and records, in order to facilitate the processing of the former employees' statutory redundancy entitlements. Whilst the RPS has processed the employees' entitlements and will be subrogated in respect thereof, after costs and expenses, there have been insufficient realisations in the Liquidation to generate a net surplus of funds enable a dividend to be paid to the Preferentials. Consequently, we have not taken steps to formally adjudicate and agree any such claims.

Unsecured creditors

Unsecured creditors ("the Unsecureds") generally comprises trade and other connected creditors together with the former employees' claims for pay in lieu of notice ("PILON") and Redundancy entitlements. As mentioned above, the RPS will be a subrogated creditor for the amounts paid to the employees.

According to the SofA the Unsecureds were estimated in aggregate to total £175,071. In the course of the Liquidation to date, we have received total aggregate claims amounting to £189,790. However, as with the Preferentials above, regrettably there has been no net surplus of funds in the Liquidation, to enable a dividend to be paid to the Unsecureds, and likewise, we have not taken steps to formally adjudicate and agree any such claims.

Prescribed Part for unsecured creditors pursuant to Section 176A of the Act

Section 176A of the Act provides that, where the Company has created a floating charge on or after 15 September 2003, as the Liquidators we must make a prescribed part of the Company's net property available for the unsecured creditors and not distribute it to the floating charge holder except in so far as it

exceeds the amount required for the satisfaction of unsecured debts. In this particular case, there are no unsatisfied floating charges created or registered on or after 15 September 2003, and therefore, this particular provision is not applicable.

Notice to creditors that no dividend will be declared (Pursuant to Rule 14.37 of the Insolvency (England & Wales) Rules 2016)

We are required by the Insolvency (England & Wales) Rules 2016 to inform creditors if:

- (a) we intend to declare a final dividend;
- (b) if no dividend will be declared; or
- (c) if no further dividend will be declared.

No dividend will be declared in this matter because after costs and expenses, there have been insufficient realisations in the Liquidation, to generate a net surplus of funds enable a dividend to be paid to any class of creditor.

6. REMUNERATION & EXPENSES

Remuneration

Our remuneration has been fixed by a decision of the creditors on 20 December 2018 obtained via a decision-making procedure ("DMP") by way of correspondence, by reference to the time properly given by us (as Liquidators) and the various grades of our staff calculated at the prevailing hourly charge out rates of Begbies Traynor (Central) LLP ("Begbies") in attending to matters arising in the Liquidation, as set out in the fees estimate dated 27 November 2018 in the sum of £22,746 (the "Fees Estimate").

We are also authorised to draw disbursements for services provided by our firm and/or entities within the Begbies Traynor group in accordance with our firm's policy, which is attached at Appendix 2 of this report.

Our time costs for the Period (08 November 2021 to 28 October 2022) amount to £3,273 which represents 10.8 hours at an average rate of £303.01 per hour. The following further information in relation to our time costs and disbursements is set out at Appendix 2:

- ❑ Time Costs Analysis for the Period;
- ❑ Cumulative Time Costs Analysis for the period 08 November 2018 to 28 October 2022 amounting to £33,033; which represents 135.5 hours at an average rate of £243.79 per hour; and
- ❑ Begbies' charging policy.

The anticipated cost for administering the case in full and the amount the Liquidators have received

In the Period, we have drawn an amount of £1,819 as a further final payment on account of our remuneration. In the course of the Liquidation, a total amount of £13,501 has been drawn on account of our remuneration in the Liquidation, against total time costs of £33,033 (135.5 hours at an average rate of £243.79 per hour) incurred in the Liquidation since the date of our appointment on 08 November 2018.

As creditors will note, our total cumulative time costs of £33,033 have exceeded the limit of our Fees Estimate of £22,746 for the reasons set out in our previous progress reports to creditors. This had a knock-on effect of protracting the Liquidation beyond the first and subsequent anniversaries, with the attendant further additional statutory costs of compliance and reporting to creditors.

However, given there have been limited funds generated in the Liquidation restricting the level of remuneration we have been able to draw, we have decided not to incur the further additional costs of seeking another DMP to present a revised fees estimate, in order to obtain the requisite approval of creditors, to increase the level of remuneration we may draw in the Liquidation. All and any unbilled and undrawn remuneration, together with the Costs of Closure, will be written-off as irrecoverable. However, please note that in the remote likelihood that subsequently there are additional or unexpected asset realisations in the period before we vacate office as Liquidators, to the extent such realisations may prove to be sufficient to do so, we will draw further remuneration capped at the level creditors have already

approved. Furthermore, if appropriate, we may seek creditors' approval via a second and subsequent DMP, to draw further remuneration capped at the level that creditors may approve.

Time Costs Analysis

The Time Costs Analysis for the Period of this report attached at Appendix 2 shows the time spent by each grade of staff on the different types of work involved in the case and gives the total costs and average hourly rate charged for each work type. An additional analysis is also attached at Appendix 2 which details the cumulative time costs for the entire period for which we have administered the Liquidation. Please note that each analysis provides details of the work undertaken by us and our staff following our appointment only.

In addition to the time costs information disclosed at Appendix 2 for the period since our last progress report, our previous progress reports contained details of the time costs we had incurred as at the date of each of those reports.

Category 1 Expenses

To 28 October 2022, we have incurred expenses totalling £384 all of which has been re-imbursed to our firm; as separately analysed in the Account. See also Section 7 below. For the avoidance of doubt, all and any further expenses that may be incurred in the period to the close of the Liquidation, will be written-off as irrecoverable; save to the extent there are any further funds incoming to the Estate to reimburse the same.

Category 2 Expenses

There have been no Category 2 expenses and expenses which should be treated as Category 2 expenses, charged to the Estate in the Period. Our previous reports contained details of such expenses charged to the Estate, as detailed in Appendix 3.

Use of subcontractors

We have not subcontracted any work that could otherwise be done more economically by ourselves and/or our staff.

Use of other professionals

There have been no other professionals who have been employed to assist us in the conduct of the Liquidation in the Period. Our previous reports contained details other professionals employed to assist us in the conduct of the Liquidation in previous periods, for the reasons stated therein.

Creditors' Guide to Liquidators' Fees

If you wish to know more about how creditors should determine the Liquidators' fees, 'A Creditors Guide to Liquidators' Fees (E&W) 2021' which provides guidance on creditors' rights can be obtained online at www.begbies-traynor.com/creditorsguides. Alternatively, if you require a hard copy of the Guide, please contact my office and we will arrange to send you a copy. In addition, the Association of Business Recovery Professionals (R3) has set up a website that contains a step-by-step guide designed to help creditors navigate their way through an insolvency process. You can access the website at the following address: <http://www.creditorinsolvencyguide.co.uk/>.

7. LIQUIDATORS' EXPENSES

We, as Liquidators, are required to provide a statement of the expenses incurred by us during the Period of the report, irrespective of whether payment was made in respect of such expenses during the Period. Expenses include all expenses incurred, for example the costs of third parties instructed by us e.g., solicitors, valuers, agents etc and also expenses incurred. It is not always possible to provide a precise figure for an expense that has been incurred. Where this is the case, we have provided a 'best estimate' of the quantum of the expense.

A statement of the expenses we anticipated we would incur at the outset of the Liquidation, included in the Creditor Information Pack sent to creditors on 27 November 2018 which accompanied the Fees Estimate, together with the amounts incurred during the Period of this progress report and a statement of the cumulative costs incurred since the date of our appointment are set out at Appendix 3.

As stated in Section 6 above, all and any expenses that may be incurred to the close of the Liquidation will be written-off as irrecoverable. However, please note that in the remote likelihood that subsequently there are additional or unexpected asset realisations in the period before we vacate office as Liquidators, to the extent such realisations may prove to be sufficient to do so, we will reimburse ourselves for any unpaid and billed expenses.

8. UNREALISABLE ASSETS

Following the conclusion of our investigations and according to the SofA, as far as we are aware all asset realisations are complete and there have been no unrealisable assets.

9. OTHER RELEVANT INFORMATION

Change of Liquidators

On 28th July 2022, David Farmer replaced Lloyd Biscoe as Joint Liquidator of the Company by Order of the Court. The Order was advertised in the London Gazette on 31st August 2022. Under the terms of the Order, Lloyd Biscoe was granted his release, or discharge from liability as appropriate, 21 days after the publication of the Order in the London Gazette. We also write to advise all creditors and members that they are at liberty to apply to discharge or vary the Order upon an application to the Court.

Use of personal information

Please note that although it is our intention to conclude the Liquidation, in the course of us continuing to discharge our statutory duties as Liquidators, we may need to access and use personal data, being information from which a living person can be identified. Where this is necessary, we are required to comply with data protection legislation. If you are an individual and you would like further information about your rights in relation to our use of your personal data, you can access the same at <https://www.begbies-traynorgroup.com/privacy-notice>. If you require a hard copy of the information, please do not hesitate to contact us at this office.

10. CREDITORS' RIGHTS

Right to request further information

Pursuant to Rule 18.9 of the Rules, within 21 days of the receipt of this report a secured creditor, or an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors, including that creditor, (or an unsecured creditor with less than 5% in value of the unsecured creditors, but with the permission of the court) may request in writing that we provide further information about our remuneration or expenses which have been incurred during the Period of this progress report.

Right to make an application to court

Pursuant to Rule 18.34 of the Rules, any secured creditor or any unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors including that creditor, (or any unsecured creditors with less than 10% in value of the unsecured creditors, but with the permission of the court) may, within 8 weeks of receipt of this progress report, make an application to court on the grounds that the remuneration charged or the expenses incurred during the Period of this progress report are excessive or, the basis fixed for our remuneration is inappropriate.

11. CONCLUSION

This Account is our final account of the winding-up, showing how the Liquidation has been conducted and details of how the Company's property has realised. Unless creditors object by giving notice in writing within 8 weeks of the delivery of the notice of this final Account, we will have our release from liability at the same time as vacating office. We will vacate office upon the delivery of our final account to the Registrar of Companies.

Should you require further explanation of any matters contained within this report, please do not hesitate to contact our office, and in the first instance speak to the case manager Rosie Thurwood at our office.



Dominik Thiel-Czerwinke
Joint Liquidator

Dated: **28** October 2022

ACCOUNT OF RECEIPTS AND PAYMENTS

Period: 08 November 2021 to 27 October 2022 and cumulative account for the period 08 November 2018 to 27 October 2022

Exciting Biting Limited T/A Porters Restaurant (In Liquidation) Joint Liquidators' Summary of Receipts & Payments			
Statement of Affairs £		From 08/11/2021 To 28/10/2022 £	From 08/11/2018 To 28/10/2022 £
	ASSET REALISATIONS		
	Bank Interest Gross	0.01	1.43
2,674.52	Cash at Bank and in hand	NIL	2,674.52
20,795.00	Fixtures & Fittings	NIL	7,500.00
3,325.48	Loan from Director	NIL	3,325.48
11,085.00	Plant & Machinery	NIL	1,750.00
104,000.00	Rent Deposit	NIL	100,216.68
Uncertain	Short leasehold	NIL	NIL
2,500.00	wet and dry stock	NIL	1,000.00
		<u>0.01</u>	<u>116,468.11</u>
	COST OF REALISATIONS		
	Agents/Valuers Fees (1)	NIL	4,015.00
	Bank Charges	0.01	0.01
	Irrecoverable VAT	83.58	83.58
	Legal Fees (1)	NIL	725.00
	Liquidators' Expenses	NIL	406.00
	Liquidators' Fees	1,819.00	13,500.49
	Pension Costs	NIL	300.00
	Rents Payable	NIL	83,513.90
	Specific Bond	NIL	148.50
	Statement of Affairs Fee	NIL	10,000.00
	Stationery & Postage	6.12	252.59
	Statutory Advertising	NIL	169.20
	Storage Costs	NIL	3,353.84
		<u>(1,908.71)</u>	<u>(116,468.11)</u>
	PREFERENTIAL CREDITORS		
(5,752.52)	Employees re Arrears/Hol Pay	NIL	NIL
(1,292.34)	RPO re Arrears/Holiday Pay	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	UNSECURED CREDITORS		
(3,325.48)	Directors	NIL	NIL
(44,762.40)	Employees	NIL	NIL
(20,000.00)	HMRC (VAT)	NIL	NIL
(8,000.00)	PAYE/NIC	NIL	NIL
(98,982.72)	Trade Creditors	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	DISTRIBUTIONS		
(52,778.00)	Ordinary Shareholders	NIL	NIL
(96.00)	Preference Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(90,609.46)</u>		<u>(1,908.70)</u>	<u>(0.00)</u>
	REPRESENTED BY		
			<u><u>NIL</u></u>

COSTS AND EXPENSES

- a. Begbies charging policy;
- b. Time Costs Analysis for the Period; and
- c. Cumulative Time Costs Analysis for the period from 08 November 2018 to 28 October 2022;

BEGBIES TRAYNOR CHARGING POLICY

INTRODUCTION

This policy applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to draw remuneration on the basis of the time properly spent in dealing with the case. It also applies where further information is to be provided to creditors regarding the office holder's fees following the creditors' decision being made for the office holder to be remunerated on a time cost basis. Best practice guidance* requires that such information should be disclosed to those who are responsible for approving the basis of an office holder's remuneration. Within our fee estimate creditors can see how we propose to be remunerated.

In addition, this policy applies where creditor approval is sought to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Best practice guidance* indicates that such charges should be disclosed to those who are responsible for approving the basis of the office holder's remuneration, together with an explanation of how those charges are calculated.

OFFICE HOLDER'S FEES IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

The office holder has overall responsibility for the administration of the estate. He/she will delegate tasks to members of their staff. Such delegation assists the office holder as it allows him/her to deal with the more complex aspects of the case and ensures that work is being carried out at the appropriate level. There are various levels of staff that are employed by the office holder, and these appear below.

The firm operates a time recording system which allows staff working on the case along with the office holder to allocate their time to the case. The time is recorded in 6-minute units at the individual's hourly rate in force at that time which is detailed below.

EXPENSES INCURRED BY OFFICE HOLDERS IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

Expenses are payments from the estate which are neither an office holder's remuneration nor a distribution to a creditor or a member. Expenses also include disbursements, which are expenses that are initially paid by the office holder's own firm, but which are subsequently reimbursed from the estate when funds are available.

Best practice guidance classifies expenses into two broad categories:

- ☐ Category 1 expenses (approval not required) - specific expenditure that is directly related to the case and referable to an independent external supplier's invoice. All such items are charged to the case as they are incurred.
- ☐ Category 2 expenses (approval required) - items of expenditure that are directly related to the case and either:
 - (i) include an element of shared or allocated cost and are based on a reasonable method of calculation, but which are not payable to an independent third party; or
 - (ii) are items of expenditure which are payable to an associate of the office holder and/or their firm

Shared or allocated costs (pursuant to (i) above)

The following expenses include an element of shared or allocated cost and are charged to the case (subject to approval):

- ☐ Internal meeting room usage for the purpose of statutory meetings of creditors is charged at the rate of £100 (London £150) per meeting;
- ☐ Car mileage which is charged at the rate of 45 pence per mile;

General Office Overheads

The following items of expenditure will normally be treated as general office overheads and will not be charged to the case although a charge may be made where the precise cost to the case can be determined because the item satisfies the test of a Category 1 disbursement:

- ☐ Telephone and facsimile;
- ☐ Printing and photocopying;
- ☐ Stationery;

* Statement of Insolvency Practice 9 (SIP 9) – Remuneration of insolvency office holders in England & Wales

BEGBIES CHARGE-OUT RATES

Begbies Traynor is a national firm. The rates charged by the various grades of staff that may work on a case are set nationally but vary to suit local market conditions. The rates applying to the Southend office as at the date of this report are as follows:

	Charge-out rate (£ per hour) 01 January 2022 – until further notice
Grade of staff	
Consultant/Partner	690
Director	580
Senior Manager	500
Manager	475
Assistant Manager	385
Senior Administrator	340
Administrator	260
Trainee Administrator	190
Support	175

	Standard and complex Charge-out rate (£ per hour) 18 March 2019 – 31 December 2021
Grade of staff	
Consultant/Partner	645 – 710
Director	515 – 565
Senior Manager	440 – 485
Manager	410 – 455
Assistant Manager	315
Senior Administrator	290
Administrator	220 – 245
Trainee Administrator	160 – 180
Support	160 – 180

Prior to 18 March 2019, the following rates applied:

	Charge-out rate (£ per hour) 01 May 2016 – 17 March 2019
Grade of staff	
Partner	395-550
Director	395
Senior Manager	365
Manager	315
Assistant Manager	285
Senior Administrator	250
Administrator	220
Trainee Administrator	n/a
Junior Administrator	160
Support	160

Time spent by support staff such as secretarial, administrative and cashiering staff is charged directly to cases. It is not carried as an overhead. Time is recorded in 6-minute units.

SIP9 EXCITING BITING LIMITED - Creditors Voluntary Liquidation - 03EX072.CVL : Time Costs Analysis From 08/11/2021 To 28/10/2022

[illegible]

SIP9 EXCITING BITING LIMITED - Creditors Voluntary Liquidation - 03EX072.CVL : Time Costs Analysis From 08/11/2018 To 28/10/2022

[illegible]

STATEMENT OF EXPENSES

Type of expense	Name of party with whom expense incurred	Amount anticipated at outset of Liquidation	£Amount incurred in the Period	£Amount discharged in Period	£Balance – undischarge d*/irrecover able	£Total Cumulative Expenses
Expenses incurred with entities not within the Begbies Traynor Group						
Advertisements	Courts Advertising	254	-	-	-	169
Bond	Insolvency Risk Services	149	-	-	-	149
Insurance		250 plus IPT				
Storage & Destruction Costs	Archive Facilities (Southend) Limited	As detailed at unit costs in the original estimate	-	-	-	3,354
Property Agent's Valuation and Sale Fees	ITC Valuers Limited	3,000 1,000 plus 12.5% commission of realisations est. £4,250	-	-	-	4,015
Legal Fees and disbursements	Tees Solicitors	5,000	-	-	-	725
Bank Charges	Barclays	10	Less than £1	Less than £1		Less than £1
Investigation Expenses	-	3,000	-	-	-	5,729
Insolvency Service Cheque Fees	-	100				
Postage & Stationery	Royal Mail and Postworks	300	2	6 inc. accumulated unpaid costs from previous periods	-	253
Pension Costs	Clumber Consultancy	-	-	-	-	300
Rents Payable/Legal Obligations	Northern Trust Fiduciary Services (Ireland)					83,514
Expenses incurred with entities within the Begbies Traynor Group – termed 'Category 2' Expenses (See Section 6)						
Photocopying	Begbies – Per Charging Policy at Appendix 2	550	-	-	-	126
Mileage & Travel	Begbies – Per Charging Policy at Appendix 2	-	-	-	-	NONE

Note 1 – All undischarged expenses together with all and any further expenses incurred in the period to the close of the Liquidation will be written-off as irrecoverable. However, in the event there are additional or unexpected asset realisations in the period before we vacate office as Liquidators, to the extent such realisations may prove to be sufficient to do so, we will reimburse our firm for all and any unbilled and unpaid expenses.

EXCITING BITING LIMITED T/A PORTERS RESTAURANT (IN CREDITORS'
VOLUNTARY LIQUIDATION)
REGISTERED COMPANY NUMBER: 01078536

NOTICE OF FINAL ACCOUNT UNDER RULE 6.28 OF THE INSOLVENCY (ENGLAND
AND WALES) RULES 2016

1. The Company's affairs are fully wound up.
2. A secured creditor or an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question) or with the permission of the court, may request in writing that the Liquidators provide further information about their remuneration or expenses as set out in the final report. A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the final report by the person, or by the last of them in the case of an application by more than one creditor.
3. A secured creditor or an unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors (including the creditor in question) or with permission of the court, may within 8 weeks after receipt of the final report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Liquidators' remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidators, as set out in the final account, are excessive.
4. A creditor may object to the release of the Liquidators by giving notice in writing to the Liquidators before the end of the prescribed period.
5. The prescribed period is the period ending at the later of:
 - a. eight weeks after delivery of this notice, or
 - b. if any request for information as detailed in point 2 above is received or an application to court made as detailed in point 3 above, when that request or application is finally determined.
6. The Liquidators will vacate office under Section 171 of the Insolvency Act 1986, as soon as the Liquidators have delivered their final account to the Registrar of Companies confirming whether any creditors have objected to the Liquidators' release.
7. The Liquidators will be released at the same time as vacating office unless any of the creditors object to the release.

Date: 31 October 2022

p.p *N. Sahadave*

Signed:
Dominik Thiel-Czerwinke
Joint Liquidator

The Liquidators' postal address is at The Old Exchange, 234 Southchurch Road, Southend on Sea, SS1 2EG. They can also be contacted via Niyanta Sahadave by e-mail at Niyanta.Sahadave@btguk.com or by telephone on 01702 467255.