

# CVA4

## Notice of termination or full implementation of voluntary arrangement



Companies House

For further information, please  
refer to our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

### 1 Company details

Company number 0 1 7 3 3 7 0 4

Company name in full Fired Earth Limited

→ Filling in this form  
Please complete in typescript or in  
bold black capitals.

### 2 Supervisor's name

Full forename(s) Neil

Surname Bennett

### 3 Supervisor's address

Building name/number Leonard Curtis

Street 5th Floor

Grove House

Post town 248a Marylebone Road

County/Region London

Postcode N W 1 6 B B

Country

### 4 Supervisor's name <sup>①</sup>

Full forename(s) Alex

Surname Cadwallader

① Other supervisor  
Use this section to tell us about  
another supervisor.

### 5 Supervisor's address <sup>②</sup>

Building name/number Leonard Curtis

Street 5th Floor

Grove House

Post town 248a Marylebone Road

County/Region London

Postcode N W 1 6 B B

Country

② Other supervisor  
Use this section to tell us about  
another supervisor.

# CVA4

Notice of termination or full implementation of voluntary arrangement

## 6 Date voluntary arrangement fully implemented or terminated

Date 

d	2	d	3	m	1	m	2	y	2	y	0	y	2	y	1
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## 7 Attachments

- ☒ I have attached a copy of the notice to creditors  
☒ I have attached the supervisor's report

## 8 Sign and date

Supervisor's signature

Supervisor's signature

X



X

Signature date

d	2	d	3	m	1	m	2	y	2	y	0	y	2	y	1
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# CVA4

## Notice of termination or full implementation of voluntary arrangement



### 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	Marc Palmer
Company name	Leonard Curtis
Address	5th Floor
	Grove House
	248a Marylebone Road
Post town	London
County/Region	
Postcode	N W 1 6 B B
Country	
DX	
Telephone	020 7535 7000



### 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 and dated 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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)



**LEONARD CURTIS**  
BUSINESS RESCUE & RECOVERY

**FIRED EARTH LIMITED**  
**(Company Voluntary Arrangement)**  
**Company Number: 01733704**  
**High Court of Justice, Business and Property Courts of England and Wales**  
**NUMBER CR-2021-000565**

**Joint Supervisors' Final Report to Creditors**

**23 December 2021**

**Leonard Curtis**  
**5th Floor, Grove House, 248a Marylebone Road**  
**London NW1 6BB**  
**Tel : 020 7535 7000 Fax: 020 7723 6059**  
**recovery@leonardcurtis.co.uk**  
**Ref: L/18/MP/FIR17/1010**

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- B Summary of Joint Supervisors' Receipts and Payments from 8 April 2021 to 23 December 2021
- C Summary of Joint Supervisors' Time Costs from 8 April 2021 to 23 December 2021 (the Period), including detailed narrative of work performed by the Joint Supervisors and their staff in the Period
- D Leonard Curtis policy regarding fees, expenses and disbursements
- E Privacy Notice

TO: ALL CREDITORS BOUND BY THE ARRANGEMENT  
ALL MEMBERS  
THE COURT  
THE REGISTRAR OF COMPANIES

## 1 INTRODUCTION

- 1.1 Alex Cadwallader and I were appointed Joint Supervisors of a Company Voluntary Arrangement ("CVA") for Fired Earth Limited ("the Company") at meetings of the creditors and members held on 8 April 2021. I am an Insolvency Practitioner licensed in the UK by the Insolvency Practitioners Association and Alex Cadwallader is an Insolvency Practitioner licensed in the UK by the Institute of Chartered Accountants in England and Wales.
- 1.2 The CVA is now complete and has been fully implemented and this is our final report as required by Rule 2.44 of the Insolvency (England and Wales) Rules 2016. It shows how the CVA has been implemented, the outcome for creditors and other information that we are required to disclose.

## 2 IMPLEMENTATION OF THE ARRANGEMENT

- 2.1 The terms of the CVA Proposal were that the Company's sole shareholder, Fired Earth Holdings Limited would pay a one-off contribution of £600,000 in full and final settlement of its obligations to creditors under the CVA. Monies received were to be utilised as follows:
- a) To pay the fees and expenses of the Joint Supervisors and the costs of CVA.
  - b) To pay preferential claims, if any, in full in priority to the claims of unsecured creditors. It was not however thought that the Company would have any preferential claims.
  - c) To pay a dividend or dividends to those ordinary creditors whose claims were received by the last date of proving. Such dividend or dividends were to be paid to all creditors in full and final settlement of all relevant debts and liabilities as defined in the Company's CVA Proposal.
- 2.2 There has not been any departure from the terms of the CVA as it originally had effect.
- 2.3 The funding was provided and the costs, expenses and dividend have been paid. A formal certificate of completion of the CVA is attached at Appendix A.

## 3 RECEIPTS AND PAYMENT ACCOUNT AND OUTCOME FOR CREDITORS

- 3.1 I attach at Appendix B a final summary of our receipts and payments for the period from 8 April 2021 to 23 December 2021.
- 3.2 All payments are shown net of VAT.

### **Outcome for Creditors**

#### ***Secured Creditors***

- 3.3 There are no secured claims in this CVA.

***Preferential Claims***

- 3.4 There are no preferential claims in this CVA.

***Secondary Preferential Claims***

- 3.5 There are no secondary preferential claims in this CVA.

***Unsecured Claims***

- 3.6 As at the date of CVA, there were unsecured creditors, with estimated claims totalling £4,238,473.

- 3.7 The table below illustrates the position regarding the claims of the ordinary unsecured creditors:

	As at Date of CVA	Claims Agreed
	£	£
Employees	405,007	340,987
Trade and Expense	1,458	1,980
Vehicle Lease	18,498	24,477
Local Authorities	351,216	320,047
Landlords	3,462,294	2,807,792
	<b>4,238,473</b>	<b>3,495,283</b>

- 3.8 Unsecured creditors with claims totalling £3,495,283 have been agreed in the CVA compared to the estimated total claims of £4,238,473 per the CVA Proposal.

- 3.9 A first and final dividend of approximately 13.91 pence in the pound was paid to unsecured creditors with agreed claims on 10 November 2021.

- 3.10 A notice of intended dividend ("NID") was issued on 16 July 2021 to unsecured creditors, following which we assessed claims and entered into lengthy correspondence with landlord creditors, subsequently admitting approximately 63% of total claims received. We also had lengthy correspondence with local authority creditors regarding their claims.

- 3.11 As detailed in the CVA Proposal the return to unsecured creditors was estimated at 12.5 pence in the pound. Therefore, the dividend paid was higher owing to reduced claims from landlord and local authority creditors.

- 3.12 No further dividends will be paid as all funds realised have been distributed or used for defraying the expenses of the CVA.

- 3.13 No monies were paid to unsecured creditors by virtue of the application of Section 176A of the Insolvency Act 1986 (prescribed part).

**4 JOINT SUPERVISORS' REMUNERATION AND DISBURSEMENTS**

- 4.1 The CVA Proposal approved by creditors on 8 April 2021 provided that the Joint Supervisors' remuneration be payable by reference to time properly given by them and their staff in attending to matters arising in the CVA.

- 4.2 The CVA Proposal estimated total fees of £60,000. The estimate did not provide for additional and substantially more time having to seek creditors to submit claims in the CVA due to creditors not complying

with their obligations to submit claims and additional complications on the agreement of the creditor claims, primarily landlords and local authorities.

- 4.3 Costs of £95,747 have been incurred during the period of this report. These costs are summarised at Appendix C and comprise 260.3 hours at an average rate of £367.83 per hour. Details of our company's charge out rates and policy regarding the recharge of disbursements, staff allocation, support staff and the use of subcontractors are also attached at Appendix D.
- 4.4 The costs of the CVA have exceeded the estimate of £60,000. The main area where we have spent more time than envisaged has been corresponding with landlords and local authorities to submit and agree claims. We have also liaised with the Company regarding the adjudication of claims. However, the agreement of claims process has consequently, resulted in an enhanced dividend payable for the benefit of all creditors.
- 4.5 Further information may be found in "Guide to Voluntary Arrangement Fees" (Version 1 – April 2021). This is available from our office free of charge or may be downloaded from <https://www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/>.
- 4.6 To date we have drawn £89,004 on account of these costs and, in the absence of further funds, the balance of our fees and any unposted time will be written off.
- 4.7 Our remuneration as Joint Nominees of £60,000 was paid by the Company.

### Expenses

- 4.8 Below is a table detailing the Joint Supervisors' expenses to date. To assist creditors' understanding of this information, it has been separated into the following two categories:
1. **Standard Expenses:** this category includes expenses payable by virtue of the nature of the CVA process and / or payable in order to comply with legal or regulatory requirements.
  2. **Case Specific Expenses:** this category includes expenses likely to be payable by the Joint Supervisors in carrying out their duties in dealing with issues arising in a particular case. Also included within this category are costs that are directly referable to the CVA but are not paid to an independent third party (and which may include an element of allocated costs). These are known as "Category 2 expenses" and are subject to the approval of the creditors.

Additionally, with effect from 1 April 2021, the Joint Supervisors are required to disclose to those responsible for approving our remuneration whether any payments we intend to make from an insolvency estate are to associates of Leonard Curtis. Payments to associates are subject to the same level of approval as the office holder's fees and category 2 expenses and further details are included at Appendix D.

### Standard Expenses

		Category	Incurred To Date	Paid	Unpaid
Charged By	Services provided			£	£
Courts Advertising	Statutory Advertising	1	95.40	-	95.40
AUA Insolvency Risk	Bordereau Fee	1	550.00	-	550.00
Companies House	Company Searches	1	-	-	-



Document Hosting*	Hosting of documents for creditors*	1	60.00	-	60.00
Software Licence Fee*	Case management systems licence fee*	1	87.00	-	87.00
Royal Mail	Postage	1	-	-	-
Evolve IS	Processing of employee claims and calculations for dividend purposes	1	3,527.00	3,527.00	-
<b>Total</b>			<b>4,319.40</b>	<b>3,527.00</b>	<b>792.40</b>

\* Payment to Associate requiring specific creditor/committee approval from 1 April 2021

Type – Category 2	Incurred £	Paid £	Unpaid £
Internal photocopying @ 10p per copy	-	-	-
Storage of office files (6 years) £30.00 per box	-	-	-
<b>Total</b>	-	-	-

- 4.9 On approval of the CVA, creditors approved the basis for recharging category 2 disbursements and payments to associates could be drawn by the Joint Supervisors. These expenses are detailed in the table above.
- 4.10 Details of professional advisors (PA), including subcontractors (S) used during the CVA, are provided below:

Name of Professional Advisor	PA/ S	Service Provided	Basis of Fees
Charles Russell Speechlys	PA	Dealing with landlord enquiries and other matters raised prior to and following the commencement of the CVA	Time Costs
Evolve IS	S	Assistance with calculation of employee unsecured claims.	Fixed Cost per Employee

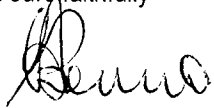
- Evolve IS ("Evolve") were instructed to assist with the calculation of employee unsecured claims. This work could have been undertaken by the Joint Supervisors, however, to ensure that employee claims were processed efficiently it was deemed appropriate to instruct Evolve owing to their increased expertise. As these claims were subject to tax deductions, it was essential that the tax calculations and subsequent deductions from employee payments were accurate. It was not considered that the costs of using Evolve would be in excess of the comparative costs of the Joint Supervisors staff undertaking this work following appointment. Furthermore, Evolve work on a fixed cost per employee basis which would be of benefit to the CVA estate against the Joint Supervisors undertaking this work on a time costs basis. We believe that the fixed fee of £3,767 paid to Evolve is fair and reasonable for the service provided.
- Charles Russell Speechlys ("CRS") were initially instructed to review the CVA Proposal and specifically the terms of the property leases. They also attended the meeting of creditors to deal with landlord queries regarding the Proposal and to advise on potential challenges to the CVA. They were subsequently instructed to assist the Joint Supervisors in dealing with landlord queries.

**5 DATA PROTECTION**

When submitting details of your claim in the CVA, you may have disclosed personal data to us. The processing of personal data is regulated in the UK by the General Data Protection Regulation EU 2016/679 as supplemented by the Data Protection Act 2018, together with other laws which relate to privacy and electronic communications. We act as Data Controller in respect of personal data we obtain in relation to this CVA and are therefore responsible for complying with Data Protection Law in respect of any personal data we process. Our privacy notice, which is attached at Appendix E, explains how we process your personal data. Terms used in this clause bear the same meanings as are ascribed to them in Data Protection Law.

If you have any queries please contact my office, **in writing**. Electronic communications should include a full postal address.

Yours faithfully



**NEIL BENNETT**  
**JOINT SUPERVISOR**

Neil Bennett is authorised to act as an insolvency practitioner in the UK by the Insolvency Practitioners Association under office holder number 9083 and Alex Cadwallader is authorised to act as an insolvency practitioner in the UK by the Institute of Chartered Accountants in England and Wales under office holder number 9501

IN THE HIGH COURT OF JUSTICE, BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES  
COURT No CR-2021-000565

**FIRED EARTH LIMITED**

**NOTICE OF FULL IMPLEMENTATION TO THE COURT AND CREDITORS PURSUANT TO  
RULE 2.44 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016**

I, Neil Bennett, Joint Supervisor of the above Company Voluntary Arrangement hereby confirm that its terms have been fully implemented and the Voluntary Arrangement concluded.



**NEIL BENNETT  
JOINT SUPERVISOR**

**23 December 2021**

Contact details of the Joint Supervisor

Neil Bennett and Alex Cadwallader

Leonard Curtis  
5th Floor  
Grove House  
248a Marylebone Road  
London  
NW1 6BB

Telephone: 020 7535 7000

APPENDIX B

SUMMARY OF JOINT SUPERVISORS RECEIPTS AND PAYMENTS  
FROM 8 APRIL 2021 TO 23 DECEMBER 2021

Receipts	£
Voluntary Contribution	600,000.00
	<hr/>
	600,000.00
<b>Payments</b>	
Joint Supervisors' Remuneration	89,004.00
Statutory Advertising	95.40
Bordereau Fee	550.00
Storage Charges	60.00
Other Professional Fees	3,767.00
Solicitors' Fees and Expenses	15,710.00
Returned to the Company	0.48
Irrecoverable VAT	4,036.48
	<hr/>
<b>Total Payments</b>	113,223.36
<b>Balance Available</b>	486,776.64
<b>Distributions</b>	
Unsecured Creditors - A first and final dividend of approximately 13.91 pence in the £ was paid on 10 November 2021	486,776.64
	<hr/>
<b>Balance in Hand</b>	-
	<hr/> <hr/>

APPENDIX C

SUMMARY OF JOINT SUPERVISORS' RECEIPTS AND PAYMENTS FROM 8 APRIL 2021 TO 23 DECEMBER 2021

	Director		Senior Manager		Manager 1		Administrator 1		Administrator 2		Administrator 4		Total	Average	
	Units	Cost £	Units	Cost £	Units	Cost £	Units	Cost £	Units	Cost £	Units	Cost £	Units	Cost £	Hourly Rate £
Statutory and Review	-	-	6	279.00	137	5,685.50	27	796.50	3	79.50	10	175.00	183	7,015.50	383.36
Receipts and Payments	8	440.00	39	1,813.50	38	1,577.00	18	531.00	-	-	-	-	103	4,361.50	423.45
Insurance	-	-	-	-	-	-	6	177.00	-	-	-	-	6	177.00	295.00
Assets	-	-	1	46.50	-	-	5	147.50	-	-	-	-	6	194.00	323.33
Liabilities	79	4,345.00	40	1,860.00	626	25,979.00	671	19,794.50	3	79.50	213	3,727.50	1,632	55,785.50	341.82
Landlords	40	2,200.00	144	6,696.00	89	3,693.50	61	1,799.50	-	-	-	-	334	14,389.00	430.81
General Administration	6	330.00	95	4,417.50	2	83.00	44	1,298.00	-	-	29	507.50	176	6,636.00	377.05
Appointment	-	-	44	2,046.00	-	-	17	501.50	-	-	-	-	61	2,547.50	417.62
Planning and Strategy	16	880.00	-	-	-	-	34	1,003.00	-	-	-	-	50	1,883.00	376.60
Post Appointment Creditor Reporting	40	2,200.00	12	558.00	-	-	-	-	-	-	-	-	52	2,758.00	530.38
Total	189	10,395.00	381	17,716.50	892	37,018.00	883	26,048.50	6	159.00	252	4,410.00	2,603	95,747.00	
Average Hourly Rate (£)		550.00		465.00		415.00		295.00		265.00		175.00		367.83	

All Units are 6 minutes

## APPENDIX C (cont)

### DETAILED NARRATIVE OF WORK PERFORMED BY THE JOINT SUPERVISORS AND THEIR STAFF IN THE PERIOD

#### Statutory and Review

This category of activity encompassed work undertaken for both statutory and case-management purposes. Whilst this work did not directly result in any monetary value for creditors, it ensured that the case was managed efficiently and resourced appropriately, which was of benefit to all creditors. The work that was carried out under this category comprised the following:

- Case-management reviews. These were carried out periodically throughout the life of the case. A month one review was undertaken by the firm's compliance team to ensure that all statutory and best practice matters had been dealt with appropriately. As the case progressed, further quarterly reviews have been carried out to ensure that the case has progressed as planned.
- Allocation of staff, management of staff, case resourcing and budgeting.
- Review of time costs data to ensure accurate posting of time and to ensure compliance with Statement of Insolvency Practice 9.
- Filing of documents at Companies House in accordance with statutory requirements.
- Completion of closing procedures at the end of the case.
- Preparation of the Joint Supervisors' Final Report.

#### Receipts and Payments

This category of work did not result in a direct financial benefit for creditors; however, close monitoring of the case bank account was essential to ensure that where possible, estate expenses were properly managed and kept to a minimum and amounts payable to creditors were identified and distributed promptly.

- Opening of case bank account.
- Management of case bank account to ensure compliance with relevant risk management procedures.
- Preparation of periodic receipts and payments accounts for inclusion in statutory reports.
- Managing estate expenses.
- Preparing estimated distribution statements and dividend schedules.
- Payment of a dividend distribution to unsecured creditors.
- Cancelling dividend cheques and re-issuing payment by bank transfer on request.

#### Insurance, Bonding and Pensions

Insolvency Practitioners are obliged to comply with certain statutory requirements when conducting their cases. Some of these requirements are in place to protect Company assets (see insurance and bonding matters below), whilst requirements in respect of Company pension schemes are there to protect the pension funds of Company employees. Whilst there was no direct financial benefit to Company creditors in dealing with these, close control of case expenditure is crucial to delivering maximum returns to the appropriate class of creditor.

- Calculation and request of Joint Supervisors' bond in accordance with the Insolvency Practitioners Regulations 2005. A bond is a legal requirement on all CVAs and is essentially an insurance policy to protect creditors against the fraud or dishonesty of the Insolvency Practitioner. The bond is calculated by reference to the value of assets which are estimated before costs, to be available to unsecured creditors.
- Periodic review of bonding requirements to ensure that creditors were appropriately protected. The bond would usually be reviewed upon each large receipt of monies into the case and at three-month intervals in accordance with best practice. However, in this instance, only a one-off contribution was paid into the CVA.

- Conducting checks regarding the Company's pension scheme.
- Established that pension contributions were up to date.

### Assets

- Liaising with the Company regarding the third-party contribution.
- Accounting for the contribution.

### Liabilities

This category of time includes both statutory and non-statutory matters.

#### *Statutory*

- Processing of claims from the Company's creditors – All claims received from the Company's 295 creditors were logged and adjudicated on.
- A NID was issued to unsecured creditors on 16 July 2021.
- We reviewed claims from the Company's creditors once the NID had expired.
- Agreeing and paying a first and final distribution to ordinary unsecured creditors on 10 November 2021.

#### *Non statutory*

- Dealing with enquiries from the Company's creditors – This included dealing with creditors' general queries by post, telephone and email.
- Liaising with local authorities regarding their claims. We spent significant time reviewing these claims to ensure that they only claimed for amount permitted in the CVA, for 2021/2022 and available retail relief, had been applied.
- Corresponding with trade creditors regarding their claims.
- Dealing with enquiries from the Company's employees.
- We have liaised with Evolve to review and calculate claims for the Redundancy Payments Services ("RPS") (for UK employees) and the Department of Social Protection ("DSP") (for Irish employees) and also to calculate employee claims.
- Corresponding with the RPS and DSP
- Corresponding with a finance company creditor.
- Liaising with the Company regarding the agreement of claims from local authorities.
- Liaising with the Company regarding the agreement of all other claims.
- Agreeing and paying a first and final distribution to ordinary creditors on 10 November 2021.
- The CVA Proposal reported that the estimate of the Joint Supervisors' remuneration did not provide for circumstances where additional or substantial time was required to be spent on inter alia, additional complications on the agreement of CVA claims, including disputed or contingent claims from CVA creditors. In this case significantly more time has been incurred in this category, exceeding our estimations specifically, regarding agreeing local authority claims.

### Landlords

- Liaising with landlords and their representatives regarding their queries.
- Liaising with the Company regarding landlord queries.
- Liaising with CRS regarding landlord queries.
- Liaising with landlords and their representatives regarding surrender of leases.
- Liaising with the Company regarding the surrender of leases.
- Liaising with CRS regarding the surrender of leases.
- Liaising with landlords and their representatives regarding access to premises.

- Liaising with the Company and their representatives regarding access to premises.
- Liaising with parties interested in leases.
- Liaising with Tier 2 landlords and their representatives regarding lease dilapidation claims.
- Liaising with the Company regarding lease dilapidation claims.
- Liaising with landlords and their representatives regarding claims.
- Liaising with the Company regarding the agreement of landlord claims.
- We incurred significant time liaising with Tier 1 landlords to ensure we only admitted claims for December 2020 rent arrears, in accordance with the terms of the CVA.
- We incurred significant time liaising with Tier 2 landlords to ensure we only admitted claims, in accordance with terms of the CVA, being the equivalent of 18 month's rent and service charge, based on the existing rates, they applied rent deposits and that dilapidations were in accordance with the Company's assessment of £10 per square foot unless we received a valuation or supporting schedule.
- The CVA Proposal reported that the estimate of the Joint Liquidators remuneration did not provide for circumstances where additional or substantial time was required to be spent on inter alia, additional complications on the agreement of CVA claims, including disputed or contingent claims from CVA creditors. In this case, significantly more time has been incurred in this category, exceeding our estimations specifically, regarding agreeing landlords claims and dealing with the different elements of their queries.  
Notwithstanding, this work has led to agreeing reduced claims which enhanced the dividend paid and therefore was for the benefit of all creditors.

### **General Administration**

- General planning matters.
- Setting up and maintaining the Joint Supervisors' records.
- Dealing with general correspondence and communicating with directors and the Company.

### **Appointment**

- Statutory notifications to creditors and other interested parties following the Joint Supervisors' appointment.

### **Planning and Strategy**

- Preparation of case plan.

### **Post-Appointment Creditor Reporting**

- Preparation of the report on the outcome of the Proposal.



## LEONARD CURTIS POLICY REGARDING FEES AND EXPENSES

The following Leonard Curtis policy information is considered to be relevant to creditors:

### Staff Allocation and Charge Out Rates

We take an objective and practical approach to each assignment which includes active director involvement from the outset. Other members of staff will be assigned on the basis of experience and specific skills to match the needs of the case. Time spent by secretarial and other support staff on specific case related matters, e.g. report despatching, is not charged.

Where it has been agreed by the appropriate body of creditors that the office holders' remuneration will be calculated by reference to the time properly given by the office holders and their staff in attending to matters as set out in a fees estimate, then such remuneration will be calculated in units of 6 minutes at the standard hourly rates given below. In cases of exceptional complexity or risk, the insolvency practitioner reserves the right to request and obtain authority from the appropriate body of creditors that their remuneration on such time shall be charged at the higher complex rates given below.

The following hourly charge out rates apply to all assignments undertaken by Leonard Curtis:

	6 Jan 2014 onwards		1 Aug 2019 onwards		1 March 2021 onwards	
	Standard	Complex	Standard	Complex	Standard	Complex
	£	£	£	£	£	£
Director	450	562	525	656	550	688
Senior Manager	410	512	445	556	465	581
Manager 1	365	456	395	494	415	518
Manager 2	320	400	345	431	365	456
Administrator 1	260	325	280	350	295	369
Administrator 2	230	287	250	313	265	331
Administrator 3	210	262	230	288	245	306
Administrator 4	150	187	165	206	175	219
Support	0	0	0	0	0	0

Office holders' remuneration may include costs incurred by the firm's in-house legal team, which may be used for non-contentious matters pertaining to the insolvency appointment.

### Use of Associates

We are required to disclose to those responsible for approving our remuneration whether any payments we intend to make from an insolvency estate are to Associates of Leonard Curtis. The term "Associate" is defined in s435 of the Insolvency Act 1986 but we are also required to consider the substance or likely perception of any association between the appointed insolvency practitioner, their firm (LC) or an individual within the firm and the recipient of a payment. Payments to Associates are subject to the same level of approval as the office holder's fees and category 2 expenses (see table below).

Whilst we are not aware of any third parties who meet the legal definition of "Associate" we are aware that there is a perceived association between LC and Pelstar Limited. Pelstar Limited provides insolvency case management software and document hosting facilities to LC. LC employs an individual who is married to a director of Pelstar Limited. Pelstar Limited's costs are set out in the tables below.

### Use of Professional Advisors

Details of any professional advisor(s) used will be given in reports to creditors. Unless otherwise indicated the fee arrangement for each is based on hourly charge out rates, which are reviewed on a regular basis, together with the recovery of relevant disbursements.

## Fired Earth Limited – Company Voluntary Arrangement

The choice of professional advisors is based around a number of factors including, but not restricted to, their expertise in a particular field, the complexity or otherwise of the assignment and their geographic location.

### Use of Subcontractors

Where we subcontract out work that could otherwise be carried out by the office holder or his/her staff, this will be drawn to the attention of creditors in any report which incorporates a request for approval of the basis upon which remuneration may be charged. An explanation of why the work has been subcontracted out will also be provided.

### Categorisation of Expenses

We are required to provide creditors with an estimate of the expenses we expect to be incurred in respect of an assignment and report back to them on actual expenses incurred and paid in our periodic progress reports. There are two broad categories of expenses: standard expenses and case specific expenses. These are explained in more detail below:

- a) Standard Expenses – this category includes expenses which are payable in order to comply with legal or regulatory requirements and therefore will generally be incurred on every case. They will include:

Type	Description	Amount																								
AML checks via Smartsearch	Electronic client verification in compliance with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017	£5.00 plus VAT per search																								
Bond / Bordereau fee via AUA Insolvency Services	Insurance bond to protect the insolvent entity against any losses suffered as a result of the fraud or dishonesty of the IP	£10.00 to £1,200.00 dependent on value of assets within case																								
Company searches via Companies House	Extraction of company information from Companies House	£1.00 per document unless document can be accessed via the free service																								
Document hosting via Pelstar Limited (see Use of Associates and Category 2 expenses)	Hosting of documents via a secure portal for access by creditors/shareholders. Costs are charged per upload plus VAT and are generally dependent upon the number of creditors. The costs are commensurate with those charged by other providers of comparable services.	<table><tr><th>Type</th><th>First 100</th><th>Every addtl 10</th></tr><tr><td>ADM</td><td>£14.00</td><td>£1.40</td></tr><tr><td>CVL</td><td>£7.00</td><td>£0.70</td></tr><tr><td>MVL</td><td>£7.00</td><td>£0.70</td></tr><tr><td>CPL</td><td>£7.00</td><td>£0.70</td></tr><tr><td>CVA</td><td>£10.00</td><td>£1.00</td></tr><tr><td>BKY</td><td>£10.00</td><td>£1.00</td></tr><tr><td>IVA</td><td colspan="2">£10 p.a. or £25 for life of case</td></tr></table>	Type	First 100	Every addtl 10	ADM	£14.00	£1.40	CVL	£7.00	£0.70	MVL	£7.00	£0.70	CPL	£7.00	£0.70	CVA	£10.00	£1.00	BKY	£10.00	£1.00	IVA	£10 p.a. or £25 for life of case	
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Software Licence fee hosting via Pelstar Limited (see Use of Associates and Category 2 expenses)	Payable to software provider for use of case management system. The costs are commensurate with those charged by other providers of comparable services.	£87.00 plus VAT per case																								
Postage via Royal Mail or Postworks	Cost of posting documents which are directly attributable to a case to external recipients	Calculated in accordance with applicable supplier rates and dependent on the number of pages and whether the document is sent by international, first or second class post.																								
Post re-direction via Royal Mail	Redirection of post from Company's premises to office-holders' address	0-3 months £216.00 3-6 months £321.00 6-12 months £519.00																								

**Fired Earth Limited – Company Voluntary Arrangement**

Statutory advertising via advertising agents	Advertising of appointment, notice of meetings etc. - London Gazette - Other	£91.80 - £102.00 plus VAT per advert Dependent upon advert and publication
Storage costs	Costs of storage of case books and records	£5.07 plus VAT per box per annum plus handling charges

- b) Case-specific expenses – this category includes expenses (other than office-holders' fees) which are likely to be payable on every case but which will vary depending upon the nature and complexity of the case and the assets to be realised. They will include but may not be restricted to:

Type	Description	Amount
Agents' fees	Costs of appointed agents in valuing and realising assets	Time costs plus disbursements plus VAT
Debt Collection fees	Costs of appointed debt collectors in realising debts	Generally agreed as a % of realisations plus disbursements plus VAT
Legal fees	Costs of externally appointed solicitors. Will generally comprise advice on validity of appointment, drafting of sale contracts, advice on retention of title issues and advice on any reviewable transactions	Time costs plus disbursements plus VAT
Other expenses	See Category 1 and 2 expenses notes below	See Category 1 and 2 expenses notes below

Please note that expenses are generally categorised as Category 1 or Category 2:

- a) Category 1 expenses: These are payments to independent third parties providing the service to which the expense relate. These may include, for example, advertising, external room hire, storage costs, postage costs, telephone charges, travel expenses (excl. mileage), and equivalent costs reimbursed to the office holder or his or her staff. Category 1 expenses may be paid without prior approval.
- b) Category 2 expenses: These are costs that are directly referable to the appointment in question, but not paid to an independent third party. They may include costs which have an element of shared cost. The following items of expenditure are recharged on this basis and are charged at HMRC approved rates:
- |                  |              |
|------------------|--------------|
| Business mileage | 45p per mile |
|------------------|--------------|

Payments to Associates (as defined above) are categorised by LC in the same way as Category 2 expenses. Category 2 expenses and payments to Associates may only be drawn if they have been approved in the same manner as an office holder's remuneration.

## **PRIVACY NOTICE**

### **Information we collect and hold about you**

By requesting details of your claim in this insolvency, we may collect Personal Data from you, particularly if you are a consumer creditor, a sole trader or are lodging a claim in your personal capacity.

Personal Data is information relating to a living individual. Whenever Personal Data is processed, collected, recorded, stored or disposed of it must be done within the terms of the General Data Protection Regulation ("the GDPR"). Examples of Personal Data include but may not be limited to your name, address, telephone number and email contact details.

If you do not provide us with the information we require, this may adversely affect our ability to deal with your claim, but we would ask you not to submit more Personal Data than we request from you.

### **Legal justification for processing your Personal Data**

The processing of your Personal Data by us is necessary to enable us to comply with legal obligations under the Insolvency Act 1986 and associated legislation which we are subject to as Insolvency Practitioners.

### **How we use your information**

All information you supply to us is required to enable us to comply with our duties under the Insolvency Act 1986 and associated legislation. It will be used to enable us to assess the extent of the insolvent entity's liabilities, to allow you to vote on any decision procedures, to enable us to communicate with you, to process your claim and to pay any dividends which may be due to you from the insolvent estate.

### **Who we share your information with**

We may be required to share some of your Personal Data with other creditors. The data which will be shared with other creditors will be limited to that specifically required to be disclosed under insolvency legislation.

We may share some of your information with our Data Processors. Data Processors include solicitors, accountants and employment law specialists who assist us with our duties where required. We will only share your information with our Data Processors if we require their specialist advice. All of our Data Processors are subject to written contracts with us to ensure that your Personal Data is processed only in accordance with the GDPR.

### **How long will we hold your Personal Data for?**

We will need to hold your Personal Data for a period of time after the insolvency has been concluded. This is to enable us to deal with any queries which might arise. Our Records Management Policy requires us to destroy our physical files 6 years after closure of the case. Electronic data files will be removed from our Case Management System 6 years after conclusion of the case but may be held on our server for a longer period of time but with restricted access.

### **Your rights in respect of your Personal Data**

You have the right to request access to your Personal Data and to require it to be corrected or erased. You also have the right to request a restriction in the way we process your Personal Data or to object to its processing. You should be aware however that we may not be able to comply with your request if this would affect our ability to comply with our legal obligations.

You have the right to Data Portability. This is a right to have the Personal Data we hold about you to be provided to you in a commonly used and machine-readable format so that you can transfer that Data to another organisation in a way that is not too onerous to upload the Data.

### **Your right to complain**

You have the right to be confident that we are handling your Personal Data responsibly and in line with good practice. If you have a concern about the way we are handling your Personal Data you should contact our Privacy Manager in the first instance.

If you are unable to resolve your concerns with us, you have the right to complain to the Information Commissioners' Office. The Information Commissioner can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire SK6 5AF or on 0303 123 1113.

### **Contacting us**

If you have any questions relating to the processing of your Personal Data, please write to our Privacy Manager at Leonard Curtis, 5<sup>th</sup> Floor, Grove House, 248A Marylebone Road, London NW1 6BB Alternatively our Privacy Manager can be contacted by telephone on 0207 535 7000 or by email: [privacy@leonardcurtis.co.uk](mailto:privacy@leonardcurtis.co.uk).

**Data Controller: LEONARD CURTIS**