

## Liquidator's Progress Report

# S.192

Pursuant to Sections 92A and 104A and 192  
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

01744365

Name of Company

John Brooks Limited formerly known as Brooks McRobbie Limited

I / We

Alan Roy Limb, Enterprise House, Ocean Village, Southampton, Hampshire, SO14 3XB

Peter John Windatt, Enterprise House, Ocean Village, Southampton, Hampshire, SO14 3XB

the liquidator(s) of the company attach a copy of my/our Progress Report  
under section 192 of the Insolvency Act 1986.

The Progress Report covers the period from 14/10/2015 to 13/10/2016

Signed

Date

18/10/17

BRI Business Recovery and Insolvency  
100 St James Road  
Northampton  
NN5 5LF

Ref: 6607S/ARL/PJW/LLA/jrg

WEDNESDAY



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25/10/2017

#1

COMPANIES HOUSE

**John Brooks Limited formerly known as Brooks McRobbie Limited**  
**(In Liquidation)**  
**Joint Liquidators' Abstract of Receipts & Payments**

Statement of Affairs		From 14/10/2015 To 13/10/2016
	<b>ASSET REALISATIONS</b>	
NIL	Investment	NIL
Uncertain	Debtor (contingent)	NIL
Uncertain	Director's loan - Mr Brooks	NIL
11,000.00	VAT Refund	NIL
5,829.00	Cash at Bank - client account	6,147.08
	Cash at Bank - RBS	298.79
	Rates refund	131.15
	Bank Interest Gross	2.49
		<u>6,579.51</u>
	<b>COST OF REALISATIONS</b>	
	Insolvency Bond	396.00
	Agent's and Valuer's Fees	32.79
	Statutory Advertising	296.00
	Creditors' Meeting - Room Hire Charge	317.50
		<u>(1,042.29)</u>
	<b>UNSECURED CREDITORS</b>	
(532,819.00)	Total Creditors	<u>NIL</u>
		NIL
	<b>DISTRIBUTIONS</b>	
(10,000.00)	Ordinary Shareholders	<u>NIL</u>
		NIL
<u>(525,990.00)</u>		<u><u>5,537.22</u></u>
	<b>REPRESENTED BY</b>	
	VAT Receivable	6.60
	Current Account	5,530.62
		<u><u>5,537.22</u></u>



Alan Roy Limb  
Joint Liquidator

**JOHN BROOKS LIMITED FORMERLY KNOWN AS BROOKS MCROBBIE LIMITED  
(IN CREDITORS' VOLUNTARY LIQUIDATION)  
JOINT LIQUIDATORS' ANNUAL REPORT TO MEMBERS AND CREDITORS  
FOR THE YEAR ENDING 13 OCTOBER 2016**

**INDEX**

- 1      Report to creditors**
- 2      Appendix 1      Joint liquidators' receipts and payments account**
- 3      Appendix 2      Summary of joint liquidators' time costs**
- 4      Appendix 3      BRI guide to fees and disbursements**

**JOHN BROOKS LIMITED FORMERLY KNOWN AS BROOKS MCROBBIE LIMITED  
(IN CREDITORS' VOLUNTARY LIQUIDATION)  
JOINT LIQUIDATORS' ANNUAL REPORT TO MEMBERS AND CREDITORS  
FOR THE YEAR ENDING 13 OCTOBER 2016**

**1. Statutory and general information**

**Company number:** 01744365

**Date of incorporation:** 5 August 1983

**Previous name of Company:** Brooks McRobbie Limited

**Registered office:** 100 St James Road  
Northampton  
NN5 5LF

**Formerly:** 43-45 St. John Street  
London  
EC1M 4LX

**Liquidators:** Alan Roy Limb of BRI Business Recovery and Insolvency, Enterprise House, Ocean Village, Southampton, Hampshire, SO14 3XB, licensed to act as an Insolvency Practitioner in the United Kingdom by the IPA under registration number 8955 and Peter John Windatt of BRI Business Recovery and Insolvency, Enterprise House, Ocean Village, Southampton, Hampshire, SO14 3XB, licensed to act as an Insolvency Practitioner in the United Kingdom by the ACCA under registration number 8611.

**Date of appointment:** 14 October 2015

**2. Joint liquidators' actions since appointment**

2.1. This report should be read in conjunction with the director's report and my receipts and payments account which is attached as Appendix 1; please note that the figures are shown net of VAT.

2.2. As noted in my receipts and payments account, nothing has been realised to date in respect of the VAT refund. Greater detail is provided below.

2.3. Cash at Bank – client account

As detailed in the director's report the balance relates to the funds transferred from the Company's bank account pre-appointment minus a payment of £318 made to the Rookery Hotel in order to secure the venue to hold the meetings of members and creditors on 14 October 2015.

2.4. Cash at Bank – RBS

An amount of £299 was forwarded by The Royal Bank of Scotland PLC and relates to the balance remaining following the closure of the Company's bank accounts. This balance was not scheduled in the statement of affairs.

2.5. Rates Refund

CAPA were instructed to carry out an audit in connection with non-domestic rates and rating assessments of the property occupied by the Company to assess whether there was any likelihood of any recovery being made in respect of overpayments.

CAPA's review is ongoing but to date a total of £114.58 has been realised in this respect.

2.6. Bank Interest Gross

Gross bank interest to date amounts to £2.

- 2.7. In addition to dealing with the realisation of assets, I have to meet various legislative and best practice requirements and deadlines. These matters include filing of documents with the Registrar of Companies, ensuring that all receipts and payments are dealt with in a timely basis and proper accounting records are maintained, undertaking periodic case progression reviews, advising creditors of the liquidation and recording all claims received, together with other day to day matters that arise.

3. **Unrealised assets**

3.1. Investment

As detailed in the director's report J W Brooks Consulting Limited ("JWBCL"), an associated company by reason of common director, is a wholly owned subsidiary of the Company. The estimated to realise value of the shares was scheduled as nil as JWBCL is a non-trading company. This matter is still under review.

3.2. Debtor (Contingent)

The sole debtor of the Company is based in France and the claim is subject to litigation proceedings. The amount being claimed by the Company relates to a breach of contract claim.

Immediately following my appointment legal advice was sought with regards to the claim, the advice being that it would be a difficult matter to deal with due to the case being subject to French law. This has indeed been the case and little progress has been made to date. This matter is currently with the instructed solicitors and is ongoing.

3.3. Director's Loan – Mr John Brooks ("JB")

An amount of £145,584 is scheduled in the Company records as being owed from the director, JB. Following my appointment a letter was sent to JB requesting his written proposals on how he plans to repay his loan account. He confirmed, by return, that he intended to sell his residential property and use the equity from that sale to pay the loan account back in full.

Subsequently, the property was put on the market but unfortunately updates from JB have been very difficult to obtain and are brief at best. This has meant that a considerable amount of time has been spent by me initially and later by a firm of solicitors, who have been instructed by me to deal with this ongoing matter, chasing for updates and clarification on both the proposed interest figure which will be added to the loan and the undertaking to be carried out by his solicitor to ensure that JB's loan account is repaid from the sale of the property.

Due to the ongoing lack of response from JB, at the beginning of October 2016 it was agreed for the solicitors to draft the paperwork needed to secure the creditors' position by way of obtaining a charging order to be registered against the title of the property. Whilst this was being done it was agreed that the solicitors would go back to JB one last time in order to resolve the matter without having to go ahead with the charging order (which would save on costs).

Shortly after the solicitors sent an email to JB, he responded advising that he had had an offer for the property and invited them to contact the estate agents to confirm the details. Accordingly, they were contacted and confirmed that an offer of £1,100,000 had been offered and was subsequently accepted on 12 October 2016. They also confirmed the details of the solicitor that will be acting on behalf of JB who will be contacted shortly to arrange for the undertaking to be completed.

If the sale of the property now proceeds as planned, with an undertaking from JB's solicitors, then I believe that it is the best way of recovering the loan account. I am currently waiting for an update on the progress of the undertaking and hope for this matter to be completed with loan account fully repaid within the next 12 months.

### 3.4. VAT Refund

An amount of £11,000 was shown in the statement of affairs as being owed to the Company from HM Revenue & Customs ("HMRC") regarding a VAT refund. However, in order to get this processed and refund forwarded, HMRC have confirmed that they will need the two outstanding pre-appointment VAT returns completing. As the information needed to complete these outstanding returns is not forthcoming this matter is currently under review and I hope to be in a better position to report more fully in my next report to creditors.

## 4. **Investigation into the affairs of the Company**

- 4.1. I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved.
- 4.2. There were no matters that justified further investigation in the circumstances of this appointment.
- 4.3. Within six months of appointment, any liquidator is required to report to the Secretary of State on any matters which have come to their attention during the course of their work which may indicate that the conduct of any past or present director would make them unfit to be concerned with the management of the Company. I have complied with these requirements, however, due to the confidential nature of any return or report, I am unable to make any further comments.

## 5. **Dividend prospects**

### 5.1. Unsecured creditors:

- I am in the process of reviewing and agreeing unsecured creditors' claims as on current information I believe that there will be sufficient funds to make a distribution. I am currently unable to give any firm indications of the amount of the distribution.
- To date claims received from creditors are broadly in line with the amounts detailed on the Company's statement of affairs.

### 5.2. Floating charge creditor and the prescribed part:

- The Company has given no floating charges and accordingly the prescribed part provisions do not apply.

## 6. **Pre-appointment remuneration**

- 6.1. The costs and expenses incurred by BRI Business Recovery and Insolvency in respect of the preparation of the statement of affairs and convening the meeting of creditors were £11,500 plus VAT. Disbursements have been charged in accordance with the fee guide that was presented at the meeting.

## 7. **Joint liquidators' remuneration**

- 7.1. My remuneration, in the sum of £67,099 was approved by the creditors on 16 November 2015. My total time costs to 13 October 2016 amount to £25,803, which have been charged at an average charge out rate of £184. I have not been able to draw any remuneration in this matter to date. A schedule of my time costs incurred to date is attached as Appendix 2.
- 7.2. Based on current information, the estimate of fees provided and approved is unlikely to be exceeded.

- 7.3. For the benefit of creditors, the Association of Business and Recovery Professionals publish 'A Creditors' Guide to Liquidators' Fees'. This document is available by entering the following website address, [www.briuk.co.uk](http://www.briuk.co.uk) then clicking on the 'Creditors' Guide to Fees' option on the headings bar. Please note that there are different versions for cases that commenced before or after 6 April 2010 and in this case you should refer to the post April 2010 version. A hard copy of this document can be obtained on request from any of our offices.
- 7.4. Our charge-out rates have changed since the director's report to creditors. If you require further information of these changes, please get in touch with this office.

## **8. Joint liquidators' expenses**

- 8.1. Details of the expenses that I have paid are shown on the attached receipts and payments account, and are largely self-explanatory. Furthermore, the expenses are in line with the estimate already provided to creditors, and are not likely to exceed this amount.

- 8.2. The following expenses have been incurred but have not yet been paid:

Type of expense	Amount incurred	Amount still to be paid
Travel	£223	£223

- 8.3. The following category 2 disbursements have been incurred but have not yet been paid:

Type of category 2 disbursement	Amount incurred	Amount still to be paid
Postage and photocopying	£3	£3
Advertising	£305	£305

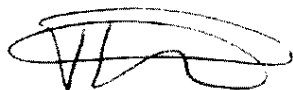
- 8.4. My choice of professionals was based on my knowledge of their experience and ability to perform the type of work required. I have reviewed the fees charged and as they are in line with original estimates, I am satisfied that they are reasonable in the circumstances of this case.

## **9. Further information**

- 9.1. An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the joint liquidators' remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.
- 9.2. An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the joint liquidators' fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

## **10. Conclusion**

- 10.1. The liquidation will remain open until the outstanding matters have all been concluded and remaining assets realised. Once this has all been completed and a final distribution has been made the liquidation will be finalised and our files will be closed.
- 10.2. Should you have any queries regarding this matter please contact Jocelyn Gilbert on 01604 595621.



*PR* Alan Roy Limb  
Joint Liquidator

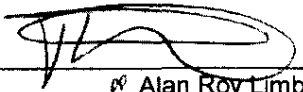
**John Brooks Limited formerly known as Brooks McRobbie Limited  
(In Liquidation)**

**Joint Liquidators' Summary of Receipts and Payments  
To 13 October 2016**

<b>RECEIPTS</b>	<b>Statement of Affairs (£)</b>	<b>Total (£)</b>
Investment	NIL	0.00
Debtor (contingent)	Uncertain	0.00
Director's loan - Mr Brooks	Uncertain	0.00
VAT Refund	11,000.00	0.00
Cash at Bank - client account	5,829.00	5,829.58
Cash at Bank - RBS		298.79
Rates refund		131.15
Bank Interest Gross		2.49
		<hr/>
		6,262.01
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<b>PAYMENTS</b>		
Room Hire for s98 meeting		317.50
Insolvency Bond		396.00
Agent's and Valuer's Fees		32.79
Statutory Advertising		296.00
Total Creditors	(532,819.00)	0.00
Ordinary Shareholders	(10,000.00)	0.00
		<hr/>
		1,042.29
		<hr/>
Net Receipts/(Payments)		5,219.72
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**MADE UP AS FOLLOWS**

Current Account	5,213.12
VAT Receivable / (Payable)	6.60
	<hr/>
	5,219.72
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 Alan Roy Limb  
 Joint Liquidator



# BRI (UK) Limited

## SIP 9 Summary of hours and costs from 14/10/2015 to 13/10/2016

Client 6607S John Brooks Ltd formerly Brooks McRobbie Ltd

Hours										
Classification of work function	Lead IP	Manager	Assistant manager	Senior administrator	Administrator	Junior Administrator	Assistants and support staff	Total	Time Cost £	Average hourly rate £
Admin & planning	3.90		7.00		17.85		0.10	28.85	£4,794.50	£166.19
Cashiering	1.70				3.60	0.05		5.35	£1,005.25	£187.90
Creditors	2.40		1.60		13.15			17.15	£2,649.75	£154.50
Investigations	0.90		1.50		16.20			18.60	£2,417.00	£129.95
Realisation of assets	26.80		6.00		34.60	0.80		68.20	£14,654.50	£214.88
Reporting			0.20		2.00			2.20	£282.00	£128.18
Posted time	35.70	0.00	16.30	0.00	87.40	0.85	0.10	140.35	£25,803.00	£183.85
Unposted time										
Total time										
Total time costs/grade	12,627.00		3,370.50		9,701.00	93.50	11.00	25,803.00		

09 December 2016

# BRI BUSINESS RECOVERY AND INSOLVENCY

## CREDITORS' GUIDE TO FEES

### **Charge-out rates**

<b>Grade</b>	<b>Charge-out rate (£ per hour, charged in 6 minute units)</b>
Directors/Insolvency Practitioners	295-360
Managers and Assistant managers	170-210
Administrators	110-145
Secretaries & Support Staff	110

Rates are subject to a periodic review and are likely to increase each April. A copy of our previous rates can be found on our website at [www.briuk.co.uk](http://www.briuk.co.uk)

### **Agent costs**

These are charged at cost based upon the charge(s) made by the Agent instructed. The term "Agent" includes:

- Solicitors/legal fees.
- Auctioneers/valuers.
- Accountants.
- Quantity surveyors.
- Estate agents.
- Other specialist advisors

### **Storage costs**

Charged at actual cost incurred for storage (and retrieval, when appropriate) of records.

### **Other disbursements**

<b>Category</b>	<b>Basis of charge</b>
<b>Category 1</b>	
Indemnity Bond	At cost of mandatory cover required in accordance with the Insolvency Act 1986 for each appointment
Insurance of assets	At cost in relation to asset coverage requirements
Company searches	At cost incurred
Travel	At actual cost including train fare and all other public transport
Other	At actual cost charged
<b>Category 2</b>	
Mileage	Motor vehicle at 45p per mile from 6 April 2011
Room hire	Held at BRI offices: £50 Any other venue: at actual cost
Stationery	A standard £6.50 charge is made for all initial files with a further £1.17 or 85pence (dependent upon file type) for any additional files required
Photocopying	Specific calculation of 2 pence per sheet x number of creditors
Postage	Standard charge of £15 per case plus a specific calculation of postage cost x number of creditors
Storage	Case records stored in BRI's own facility will be charged at the same rate levied by external storage providers as follows. Box costs at £4.70 per box and storage charge of £7.60 per annum.