

# LIQ03

## Notice of progress report in voluntary winding up



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	2	8	6	1	2	2	7
Company name in full	The Consultancy Company Limited							

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

### 2 Liquidator's name

Full forename(s)	Louise
Surname	Brittain

### 3 Liquidator's address

Building name/number	Gladstone House
Street	77-79 High Street
Post town	Egham
County/Region	Surrey
Postcode	T W 2 0 9 H Y
Country	

### 4 Liquidator's name ①

Full forename(s)	Stephen
Surname	Grant

① **Other liquidator**  
Use this section to tell us about  
another liquidator.


### 5 Liquidator's address ②

Building name/number	2nd Floor Regis House
Street	45 King William Street
Post town	London
County/Region	
Postcode	E C 4 R 9 A N
Country	

② **Other liquidator**  
Use this section to tell us about  
another liquidator.

# LIQ03

## Notice of progress report in voluntary winding up

<b>6</b>	<b>Period of progress report</b>												
From date	d	2	d	0	m	0	m	9	y	2	y	0	
To date	d	1	d	9	m	0	m	9	y	2	y	0	
<b>7</b>	<b>Progress report</b>												
<input checked="" type="checkbox"/> The progress report is attached													
<b>8</b>	<b>Sign and date</b>												
Liquidator's signature	Signature 												
Signature date	d	1	d	8	m	1	m	0	y	2	y	0	

**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 **Anthony Young**

Company name **Azets**

Address **Gladstone House**

**77-79 High Street**

Post town **Egham**

County/Region **Surrey**

Postcode **T W 2 0 9 H Y**

Country

DX

Telephone

**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](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)**

# **Joint Liquidators' Annual Progress Report to Creditors & Members**

**The Consultancy Company Limited - In Creditors Voluntary Liquidation**

**For the Period ending 19 September 2021**

**Dated: 11 October 2021**

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## **1 Introduction and Statutory Information**

- 1.1 David Tann and Matthew Waghorn were appointed Joint Liquidators of the Company on 20 September 2018 by the members and creditors. On 26 November 2018, an Order was made in the High Court replacing David Tann as officeholder in view of his pending retirement and replacing him with Stephen Grant with effect from the same date. On 23 June 2021, an Order was made in the High Court replacing Matthew Waghorn as officeholder in view of his pending departure from the firm and appointing myself with effect from the same date.
- 1.2 This progress report covers the period from 20 September 2020 to 19 September 2021 ('the Period') and should be read in conjunction with any previous progress reports which have been issued.
- 1.3 Information about the way that we will use, and store personal data on insolvency appointments can be found at <https://www.azets.co.uk/about-us/privacy-cookie-policy/>. If you are unable to download this, please contact us and a hard copy will be provided to you.
- 1.4 The Company's registration number is 02861227 and its current registered office is Regis House, 2<sup>nd</sup> Floor, 45 King William Street, London, EC4R 9AN. The Company's former registered office was 9 Fenlock Court, Blenheim Office Park, Long Hanborough, Oxfordshire, OX29 8LN. This was also the former trading address.

## **2 Receipts and Payments**

- 2.1 At Appendix A is our Receipts and Payments Account covering the Period of this report as well as a cumulative Receipts and Payments Account for the period from the date of the appointment of the previous Joint Liquidators on 20 September 2018 to the end of the Period.

In Section 3 below, you will find an update on the progress made during the Period in realising the Company's assets and dealing with its affairs.

## **3 Progress of the Liquidation**

- 3.1 This section of the report provides creditors with an update on the progress made in the liquidation during the Period and an explanation of the work done by the Liquidators and their staff.

### ***Administration (including statutory compliance & reporting)***

- 3.2 An office holder must comply with certain statutory obligations under the Insolvency Act 1986 and other related legislation. Details about the work we anticipated would need to be done in this area was outlined to creditors in our initial fees information which was previously agreed by creditors.
- 3.3 Where the costs of statutory compliance work or reporting to creditors exceeds the initial basis, it will usually be because the duration of the case has taken longer than anticipated, possibly due to protracted asset realisations, which have in turn placed a further statutory reporting requirement on the Liquidators.
- 3.4 As noted in our initial fees information, this work will not necessarily bring any financial benefit to creditors but is required on every case by statute.

### ***Realisation of Assets***

- 3.5 There have been no asset realisations during the Period.

***International Book Debt***

- 3.6 As detailed in the previous reports, the Company has an outstanding international book debt in the sum of £1,371,056.96 from BAE Systems Limited ('BAE') in respect of a project undertaken by the Company prior to the liquidation based in Saudi Arabia.
- 3.7 Prior to the Period Clarke Willmott Solicitors were instructed in order to pursue BAE for the full amount due. During the Period I have remained in correspondence with Clarke Willmott in order to discuss the merits of pursuing this matter further and this matter is currently ongoing. I am not able to provide creditors with an update in this regard as to do so may prejudice ongoing investigations and potential actions that may be pursued.
- 3.8 It is uncertain whether there will be any benefit to creditors as a result of this work however I will inform creditors accordingly once the position is clear.

***Creditors (claims and distributions)***

- 3.9 The Liquidators are not only required to deal with correspondence and claims from unsecured creditors (which may include retention of title claims), but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.
- 3.10 Work undertaken by the Liquidators in dealing with a company's creditors may only therefore bring a financial benefit to certain classes of creditor such as a secured creditor or the preferential creditors, however the Liquidators are required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. The more creditors a company has, the more time and cost will be involved by the Liquidators in dealing with those claims.

***Investigations***

- 3.11 You may recall from the first progress report to creditors that some of the work Liquidators are required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 (CDDA 1986) and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that the Liquidators can pursue for the benefit of creditors.
- 3.12 The report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986 was submitted during the first year of the liquidation and is confidential.
- 3.13 Since my appointment as Joint Liquidator on 23 June 2021, I have reviewed the file and potential avenues of recovery for the benefit of creditors in this matter. During the Period, a meeting was held with my Clarke Willmott in order to discuss the merits of pursuing the potential claims further and the commercial viability of the same. This included a background discussion of the issues in the liquidation and the Framework Agreement BAE had entered into with the Company.
- 3.14 As mentioned above, my investigations into the international book debt balance due to the Company are ongoing and Clarke Willmott remain instructed in this regard. I am not able to provide creditors with a detailed update in this respect as to do so may prejudice my ongoing investigations.

## **4 Creditors**

### ***Secured Creditors***

- 4.1 ABN Amro Commercial Finance PLC have a fixed and floating charge over all property or undertaking of the Company. At the end of appointment, no funds were due under the terms of the charge held by ABN Amro Commercial Finance PLC.
- 4.2 As no funds are due, it is not necessary to make a distribution under the prescribed part provisions.

### ***Preferential Creditors***

- 4.3 The only known preferential creditors are the former employees for arrears of wages and holiday pay and the Redundancy Payments Service for any payments made to employees from the National Insurance Fund.
- 4.4 The Statement of Affairs anticipated preferential creditors of £8,665. A claim has not been received from the Redundancy Payments Service to date.

### ***Unsecured Creditors***

- 4.5 Unsecured claims totalling £1,183,255.67 have been received compared to £986,369 estimated in the Statement of Affairs. Claims have not yet been agreed or adjudicated for dividend purposes.
- 4.6 It is uncertain whether there will be sufficient funds after defraying the expenses of the liquidation to pay a dividend to unsecured creditors. This will be contingent on the amount of realisations made with respect to the international book debt due from BAE and any costs and expenses incurred in the recovery of the same.

## **5 Joint Liquidators' Remuneration**

### ***Pre appointment remuneration***

- 5.1 At a meeting held on 10 September 2018, the Board authorised the payment of a fee in the sum of £5,750 plus VAT and disbursements for Wilkins Kennedy's (now trading as Azets and hereafter referred to as Azets) assistance with preparing the Statement of Affairs and arranging the decision procedure for creditors to appoint a liquidator.
- 5.2 Of this fee, £750 was paid to the M Group for their assistance in bringing the Company's accounts up to date and preparing the Statement of Affairs.
- 5.3 The fee for preparing the Statement of Affairs and convening and holding the meeting of creditors was paid pre appointment by the Company.

### ***Joint Liquidators' remuneration***

- 5.4 On 13 February 2020, creditors approved the Joint Liquidators' remuneration on the below basis.

#### **Fixed fee**

Creditors authorised the Joint Liquidators' fees be approved on a fixed fee basis in the sum of £15,000 in respect of work relating to administration and planning, creditor related matters and investigations into the Company's affairs.

The Joint Liquidators have drawn £14,000 plus VAT against the total fixed fee agreed of £15,000 approved by creditors. Of this amount, £2,687.79 was drawn during the Period.



### Percentage

Creditors authorised the Joint Liquidators' fees be approved on a fixed fee of 2% of the realisations of assets of the Company capped at £26,000 if the book debt balance due from BAE is settled prior to court proceedings. Creditors authorised that the Joint Liquidators' fees be approved on a fixed fee of 10% of realisations capped at £130,000 if a court procedure is entered into to collect the sum due from BAE.

- 5.5 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from [https://www.azets.co.uk/media/lybj2if4/liquidation-a\\_guide\\_for\\_creditors\\_on\\_insolvency\\_practitioners\\_fees-version\\_1\\_april\\_2021.pdf](https://www.azets.co.uk/media/lybj2if4/liquidation-a_guide_for_creditors_on_insolvency_practitioners_fees-version_1_april_2021.pdf).
- 5.6 Attached as Appendix B is the Azets' fees and expenses policy and at Appendix C is additional information in relation to the Joint Liquidators' expenses.

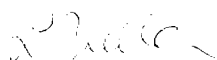
## **6 Creditors' Rights**

- 6.1 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) may request in writing that the Liquidators provide further information about their remuneration or expenses which have been itemised in this progress report.
- 6.2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress 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 this progress report, are excessive.

## **7 Next Report**

- 7.1 We are required to provide a further report on the progress of the liquidation within two months of the next anniversary of the liquidation, unless we have concluded matters prior to this, in which case we will write to all creditors with our final account.
- 7.2 If you have any queries in relation to the contents of this report, we can be contacted by email at [Anthony.Young@azets.co.uk](mailto:Anthony.Young@azets.co.uk).

Yours faithfully



**Louise Mary Brittain**  
**Joint Liquidator**

**Appendix A**

**Receipts and Payments Account for the Period from 20 September 2020 to 19 September 2021 to incorporating a Cumulative Receipts and Payments Account since 20 September 2018 to 19 September 2021**

**The Consultancy Company Ltd**  
**(In Liquidation)**  
**Joint Liquidators' Summary of Receipts & Payments**

Statement of Affairs £	From 20/09/2020 To 19/09/2021 £	From 20/09/2018 To 19/09/2021 £
ASSET REALISATIONS		
Bank Interest Gross	NIL	0.36
19,363.14 Book Debts	NIL	8,990.40
5,371.63 Cash at Bank	NIL	6,807.33
450.00 Furniture & Equipment	NIL	NIL
Other Refunds	NIL	581.38
	<u>NIL</u>	<u>16,379.47</u>
COST OF REALISATIONS		
Accountant Fees	NIL	750.00
Agents/Valuers Fees (1)	NIL	500.00
IT Admin fee	NIL	110.00
Office Holders Fees	2,687.79	14,000.00
Specific Bond	NIL	100.00
Stationery, Postage, Office costs	NIL	94.44
Statutory Advertising	NIL	312.55
Storage Costs	NIL	190.07
Travel	NIL	66.47
	<u>(2,687.79)</u>	<u>(16,123.53)</u>
<b>25,184.77</b>	<b><u>(2,687.79)</u></b>	<b><u>255.94</u></b>
REPRESENTED BY		
Bank 1 Current		255.94
		<b><u>255.94</u></b>

Note VAT is recoverable.

## **Appendix B**

### **Azets Fees and Expenses Policy**

## AZETS HOLDINGS LIMITED – FEES AND EXPENSES POLICY

### Introduction

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk>.

Details about how an office holder's fees may be approved for each case type are available in a series of guides issued with Statement of Insolvency 9 (SIP 9) and can be accessed at <https://www.azets.co.uk/restructuring-and-insolvency-downloads/>. A hard copy may be requested from Azets Holdings Limited, Gladstone House, 77-79 High Street, Egham, Surrey, TW20 9HY or [Anthony.Young@Azets.co.uk](mailto:Anthony.Young@Azets.co.uk).

### Staff Allocation and Charge Out Rates

Our general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.

The constitution of the case team will usually consist of a Partner, Senior Manager or Manager and a Senior or Associate. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and on larger, more complex cases, several Seniors or Associates may be allocated to meet the demands of the case.

We operate a time recording system which allows staff working on the assignment along with the office holders to allocate their time to an assignment in 6 minute units.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. The work is generally recorded under the following categories:

- Administration and planning
- Investigations
- Realisation of assets
- Creditors
- Trading
- Case specific matters

Time costs are recorded at the individual's hourly rate in force at that time, Our charge out rates effective from 3 December 2018 are shown below and the rates shown are exclusive of VAT.

<b>1 January 2017 to 2 December 2018</b>	<b>£</b>	<b>3 December 2018 to date</b>	<b>£</b>
Partners	410.00 - 460.00	Partners	430.00 - 470.00
Directors/Managers	230.00 - 360.00	Directors/Managers	210.00 - 390.00
Senior Administrators	145.00 - 200.00	Administrators	110.00 - 210.00
Administrators	100.00 - 160.00	Junior/Trainee Administrators	95.00 - 200.00
Junior/Trainee Administrators	50.00 - 110.00	Cashiers/Secretaries	60.00 - 100.00
Cashiers/Secretaries	75.00 - 90.00		

Where necessary and appropriate, members of staff from other departments of the practice will undertake work on a case. They will be charged at their normal charge out rate for undertaking such work.

**Please note that charge out rates are reviewed annually and may be subject to change.**

### **Expenses**

On insolvency appointments, an office holder will typically incur expenses which relate to that assignment. Expenses (or costs) are amounts properly payable by an office holder from an insolvency estate which are not otherwise categorised as the office holder's remuneration or a distribution to a creditor or shareholder. These expenses may include, but are not limited to, agent's costs for disposal and realisation of assets, legal costs, specialist pension advice, tax services or other routine expenses associated with an insolvency appointment such as statutory advertising costs, the office holder's specific penalty bond and costs associated with storing the books and records. Expenses also include disbursements which are payments that are first met by the office holder and then reimbursed at a later date from the estate, usually when realisations permit. Details of the anticipated expenses on an insolvency assignment will be outlined in the office holder's fees estimate or other information provided to creditors about the fee basis or bases being proposed.

Expenses recharged to, or incurred directly by, an insolvent estate are subject to VAT at the applicable rate where appropriate.

Some expenses can be paid without prior approval from creditors (referred to as Category 1 expenses) and other expenses which may have an element of shared costs or are proposed to be paid to an associate of the office holder, require approval before they can be paid (referred to as Category 2 expenses).

Category 1 expenses are directly referable to an invoice from a third party that is not an associate of the office holder or the firm, which is either in the name of the estate or Azets Holdings Limited; in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the insolvency estate. These costs are recoverable without the prior approval of creditors either by a direct payment from the estate or, where the firm has made payment on behalf of the estate, by a recharge of the amount invoiced by the third party.

Category 2 expenses are directly attributable to the estate but include an element of shared costs or is a payment to an associate of the office holder or the firm. These expenses are recoverable from the estate, subject to the prior approval of the creditors, in the same manner as the approval of the office holder's remuneration.

The Category 2 expenses which include an element of shared costs and are charged by this firm are as follows:

- Postage – charged in accordance with the current Royal Mail price guide for first class.
- Business mileage – charged at standard rates which comply with HM Revenue & Customs limits. The current rate is 45 pence per mile.
- Internal photocopying - charged at 5 pence per sheet for reports and circulars issued to creditors, shareholders, employees and other stakeholders. No additional charge is made for individual items of correspondence.

**Please note that these category 2 expenses are reviewed annually and may be subject to change.**

Payments to associates (as defined in Section 435 of the Insolvency Act 1986 and the Insolvency Code of Ethics), which are also classified as a category 2 expense requiring creditor approval, are not routinely made by this firm. Any such payments will be considered on a case by case basis and when seeking approval for the payments, the office holder will provide creditors with an explanation of the work to be done, why the work is necessary and the estimated payment that will be made. The form and nature of the relationship with the associate will also be provided.

### **Provision of Services Regulations**

When carrying out all professional work relating to an insolvency appointment, Insolvency Practitioners are bound by the Insolvency Code of Ethics.

To comply with the Provision of Service Regulations, some general information about Azets Holdings Limited, including our complaints policy and Professional Indemnity Insurance and the Insolvency Code of Ethics, is available on our website using the following link: [www.azets.co.uk/about-us/legal-regulatory-information/](http://www.azets.co.uk/about-us/legal-regulatory-information/).

## **Appendix C**

### **Additional information in relation to Joint Liquidators' Expenses**

## Additional Information in Relation to the Joint Liquidators' Expenses

### 1 Use of Sub-Contractors

- 1.1 I am not proposing to utilise the services of any sub-contractors in this case.

### 2 Professional Advisors

- 2.1 On this assignment I have used the professional advisors listed below. I have also indicated alongside, the basis of my fee arrangement with them, which is subject to review on a regular basis.

Name of Professional Advisor	Basis of Fee Arrangement
The M Group – assistance with preparing the statement of affairs.	Fixed fee of £750 plus VAT
Clarke Willmott – instructed to pursue BAE for collection of book debts	CFA with 75% success fee
Total Asset Recovery Limited – valuation of assets	Fixed fee of £500 plus VAT
International Business Logistics Ltd – assistance with production of evidence to support debt recovery	Time costs basis by reference to charge out rates being £1,200 per day for Senior Consultants and £600 for managers charged in quarter days.

- 2.2 The choice was based on my perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of my fee arrangement with them.

### 3 Joint Liquidators' Expenses

- 3.1 An analysis of the expenses paid to the date of this report, together with those incurred but not paid at the date of this report is provided below:

<b>Expense</b>	<b>Estimated overall cost £</b>	<b>Paid in Prior Period £</b>	<b>Paid in the period covered by this report £</b>	<b>Incurred but not paid to date £</b>
Accountant Fees	750.00	750.00	-	-
Statutory Advertising	328.59	312.55	-	-
Legal Fees and Disbursements	-	-	-	17,246.50
Specific Penalty Bond	800.00	100.00	-	10.00
IT Administration Fee	110.00	110.00	-	-
Stationery, Postage and Office	190.00	94.44	-	182.41
Storage Costs	358.07	190.07	-	109.48
Agent Fees	500.00	500.00	-	-
Travel	66.47	66.47	-	-