

# Return of Final Meeting in a Creditors' Voluntary Winding Up

Pursuant to Section 106 of the Insolvency Act 1986

## S.106

To the Registrar of Companies

Company Number  
**03770734**

Name of Company

(a) Insert full name of company

**(a) Benchmark Communications Ltd**

(b) Insert full name and address

~~I/We~~ **(b) Christopher David Horner of Robson Scott Associates Limited, 47-49, Duke Street, Darlington, DL3 7SD**

(c) Delete as applicable)

(d) Insert date

(e) The copy account must be authenticated by the written signature of the Liquidator(s)

- 1 Give notice that a general meeting of the Company was duly (c) ~~[held on]~~ [summoned for] (d) 21 June 2016 pursuant to Section 106 of the Insolvency Act 1986, for the purpose of having an account (of which a copy is attached (e)) laid before it showing how the winding up of the Company has been conducted and the property of the Company has been disposed of and (c) ~~[that the same was done accordingly]~~ [no quorum was present at the meeting],
- 2 Give notice that at a meeting of the creditors of the Company was duly (c) [held on] [summoned for] (d) 21 June 2016 pursuant to Section 106 of the Insolvency Act 1986, for the purpose of having the said account laid before it showing how the winding up of the Company has been conducted and the property of the Company has been disposed of and (c) ~~[that the same was done accordingly]~~ [no quorum was present at the meeting]

(f) Insert venue of the meeting

The Meeting was held at (f) Robson Scott Associates Limited, 47-49 Duke Street, Darlington, DL3 7SD

This report covers the period from (d) **28 February 2014** (commencement of the winding up) to (d) **21 June 2016** (close of winding up)

The outcome of the meeting (including any resolutions passed at the meeting) was as follows

No quorum was present at the meetings.

Signed

Date

**21/6/16**



**LIQUIDATOR'S FINAL REPORT ON THE LIQUIDATION OF BENCHMARK COMMUNICATIONS LIMITED ("THE COMPANY")**

**STATUTORY INFORMATION**

Company Name	Benchmark Communications Limited
Company Number	03770734
Registered Office	Robson Scott Associates Limited, 49 Duke Street, Darlington, DL3 7SD
Former Registered Office	14 Blandford Square, Newcastle Upon Tyne, NE1 4HZ
Trading Name	Benchmark Communications Limited
Trading Address	14 Blandford Square, Newcastle Upon Tyne, NE1 4HZ

**INTRODUCTION**

Michael Leslie Reeves, consultant of Robson Scott Associates Limited, 49 Duke Street, Darlington, DL3 7SD was appointed as Liquidator of the above Company on 28 February 2014 and I am now in a position to bring this Liquidation to a close. Notices convening final meetings of members and creditors were sent to creditors along with the draft final report.

In accordance with a court order made in the High Court, Manchester District Registry, case number 2647, and dated 25 June 2015, Mr Reeves was removed from office with effect from 1 July 2015 and I, Christopher David Horner was appointed as Liquidator in substitution with effect from the same date.

This report covers the period of the Liquidation from Mr Reeves's appointment to 21 June 2016 and a copy of my receipts and payments account for this period is attached as Appendix 1. This report should be read in conjunction with any previous reports to creditors.

**ASSET REALISATIONS**

The Statement of Affairs presented at the meeting of creditors on 28 February 2014 advised that the Company had assets as detailed below -

<b>Asset</b>	<b>Book Value</b>	<b>Estimated to Realise</b>	<b>Realised to Date</b>
Cash at Bank on Appointment	£1,632 00	£1,632 00	£1,631 72
Cash on Hand	£23,469 00	£23,469 00	£23,386 59
Debtors (Pre-Appointment)	£35,512 00	£13,373 00	£16,014 88
Debtors (Sale of Business)	£4,800 00	£4,800 00	£4,800 00

Realisations to date are as follows:-

Cash at Bank on Appointment- The Company's Statement of Affairs showed Cash at Bank on Appointment with an estimated to realise value of £1,632 In total £1,631 72 has been received

Cash on Hand - The Company's Statement of Affairs showed Cash on Hand with an estimated to realise value of £23,469 00 In total £23,386 59 has been received.

Debtors (Pre- Appointment) - From the scheduled debtors with an estimated to realise value of £13,373 00, a total of £16,014 88 was recovered from debtors during the course of the Liquidation

Debtors (Sale of Business)- An offer was received for the Furniture, Fixtures and Fittings, Client Database and Rights to Contracts from Mercer Street Marketing and Communications Limited on 18 February 2014 for the sum of £14,000 00 plus VAT £12,000 00 of this amount was paid immediately, and the outstanding amount of £4,800 00 was to be paid in monthly instalments This amount has now been paid in full

Further funds, not on the Statements of Affairs, have been realised as follows -

Refund of Bank Charges - Funds of £49 61 has been received relating to a refunded bank charge

Bank Interest Net of Tax of £0 93 has accrued over the period of the Liquidation Bank Interest is subject to Corporation Tax and this was deducted at source

VAT is recoverable in this matter as the Company was previously VAT registered

No further realisations are anticipated from the Company

## **INVESTIGATIONS**

Within six months of my appointment as Liquidator, I am required to submit a confidential report to the Secretary of State to include any matters which have come to my attention during the course of my work which may indicate that the conduct of any past or present Director would make him unfit to be concerned with the management of the Company I would confirm that I have complied with my obligations in this matter

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

During my initial investigations of the Company I noted a number of questionable transactions, which were investigated further, however after seeking further clarification these were satisfactorily explained and no further action was taken

## **PAYMENTS**

Creditors previously authorised the payment of a fee of £3,000 00 for my assistance with preparing the Statement of Affairs and convening and holding the meeting of creditors at a meeting held on 28 February 2014

The fee for preparing the Statement of Affairs and convening and holding the meeting of creditors was paid by the Company

My remuneration was previously authorised by creditors at a meeting held on 28 February 2014 to be drawn on a time cost basis. My total time costs to 21 June 2016 amount to £22,131 80, representing 99 6 hours of work at an average charge out rate of £222 21 per hour, of which £1,700 50 representing 9 1 hours of work has been incurred in the period 28 February 2016 to 21 June 2016 at an average charge out rate of £186 87 per hour

I have drawn £22,016 28 to date, of which £2,554 45 was drawn in the period 28 February 2016 to 21 June 2016

A schedule of my time costs incurred to date is attached as Appendix 2

A description of the routine work undertaken in the Liquidation to date is as follows

### **1 Statutory**

- Preparing the documentation and dealing with the formalities of appointment
- Statutory notifications and advertising
- Preparing documentation required
- Dealing with all routine correspondence
- Maintaining physical case files and electronic case details on CCH Insolvency
- Review and storage
- Case bordereau
- Case planning and administration
- Preparing reports to members and creditors
- Convening and holding meetings of members and creditors

### **2 Cashiering**

- Maintaining and managing the Liquidator's cashbook and bank account
- Ensuring statutory lodgements and tax lodgement obligations are met

### **3 Creditors**

- Dealing with creditor correspondence and telephone conversations
- Preparing reports to creditors
- Maintaining creditor information on CCH Insolvency
- Reviewing proofs of debt received from creditors

### **4 Investigations**

- Review and storage of books and records
- Preparing a return pursuant to the Company Directors Disqualification Act
- Conducting investigations into suspicious transactions
- Review books and records to identify any transactions or actions a Liquidator may take against a third party in order to recover funds for the benefit of creditors

## 5 Realisation of Assets

- Corresponding with debtors and attempting to collect outstanding book debts
- Liaising with the Company's bank regarding the closure of the account

Category 1 Disbursements, which do not require approval, have been paid as follows -

Disbursement	Payee	Incurred	Paid
Accounting Fees	Harlands	£3,500 00	£3,500 00
Statutory Advertising	The Stationary Office	£165.00	£165 00
Agents/Valuers Fees	JPS Chartered Surveyors	£1,500 00	£1,500 00
Commissions	Echo Events	£1,854 91	£1,854 91
Company Searches	Companies House Direct	£7 00	£7 00
Court Fees	HM Courts Service	£105 00	£105 00
ID Checks	Veriphy Ltd	£8 00	£8 00
Legal Fees	Robson Scott Associates	£28 03	£28 03
Legal Fees	Clarke Mairs LLP	£796 03	£796 03
Pre-Administration Fee	Robson Scott Associates	£9,000 00	£9,000 00
Postage	Royal Mail	£38 54	£38 54
Specific Bond	Willis Limited	£108 00	£108 00
Statutory Report Software Hosting	Docrunner	£22 50	£22 50

**Pre-Administration Fee** – This represents fees for a proposed Administration which did ultimately not proceed, but for which the Company became liable for

**Agents/Valuers Fees-** In dealing with the sale of the Company's assets, JPS Chartered Surveyors have been instructed to prepare a valuation report and sell the Company's assets. JPS Chartered Surveyors are to be remunerated on a percentage basis of 10% of net realisations plus disbursements and valuation costs. Total costs of £1,500 00 have been incurred to date and this balance has been paid in full.

**Legal Fees-** Legal fees of £28 03 have occurred in relation to the block transfer of the Liquidator.

Clarke Mairs LLP were instructed in the collection of debtors. Clarke Mairs LLP were to be remunerated to a maximum of 20% of realisations plus VAT and disbursements. Total costs of £768 have been incurred to date and this balance has been paid in full.

The choice of professionals 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. The fees charged have been reviewed and I am satisfied that they are reasonable in the circumstances of this case.

Category 2 Disbursements, approved at the creditors meeting on 28 February 2014 have been paid as follows -

Disbursement	Rate	Incurred	Paid
Meeting Room Hire	£25 per booking plus £25 per 30 minutes	£75 00	£75 00
Mileage	55p per mile	£107 40	£107 40
File Set Up	£15 per file	£15 00	£15 00
Storage Costs	£10 per month per box	£3,565.00	£3,565.00

A creditors' guide to fees charged by Liquidators has not been enclosed but is available from [www.r3.org.uk](http://www.r3.org.uk). If however you do not have access to the internet and require a hard copy to be posted to you, please contact my office.

A copy of this firm's policy for charging disbursements is enclosed for your information. Robson Scott Associates Limited or any successor firm reserves the right to change the scale rates and grade structure of staff as and when appropriate.

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 Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

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 Liquidator's 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.

## **CREDITORS' CLAIMS AND DIVIDEND PROSPECTS**

### **Secured Creditors**

The secured creditor in this case, Rivers Capital Partners holds a fixed and floating charge secured over the assets of the Company. The amount outstanding to the chargeholder is £28,847.52; however, sufficient funds are not available to allow a distribution to be made.

### **Preferential Creditors**

It is estimated that preferential creditors, comprising of employee claims for unpaid wages and holiday pay paid by the National Insurance Fund totalling £10,464.00, will not receive a dividend.

### **Unsecured Creditors**

The Statement of Affairs included 80 unsecured creditors with an estimated total liability of £234,930.753. No claims were received from former employees whose employments were taken over by the successor Company. Those employees' claims for wage arrears, holiday pay, pay in lieu of notice and redundancy pay were initially settled by the National Insurance Fund who subsequently made a subrogated claim in the Liquidation. I have received claims from 29 creditors at a total of £252,072.11. I have not received claims from 51 creditors with original estimated claims in the statement of affairs of £50,211.54.

Using the current balance unsecured creditors will not receive a distribution.

In view of the lack of dividend prospects to any class of creditor in this case claims received have not been formally adjudicated

Notification that no dividend is available was sent to creditors along with the draft final report

#### **FINAL MEETINGS**

The final meetings of members and creditors were called for 21 June 2016

No quorum was present at the meetings

Creditors did resolve against my release as Liquidator

A handwritten signature in black ink, appearing to read 'CD Horner', with a large, stylized flourish at the end.

**Christopher David Horner**  
Liquidator

Christopher David Horner is an Insolvency Practitioner (no 16150) authorised by the Insolvency Practitioners Association and holds professional indemnity insurance covering all his formal insolvency appointments with Aviva plc of Sienna-5, Surrey Street, Norwich NR1 3NS

**Receipts and Payments Abstract: B2354 - Benchmark Communications Ltd**

Bank, Cash and Cash Investment Accounts. From 28/02/2014 To 21/06/2016

SOA Value £	28/02/2014 to 21/06/2016		Total to 21/06/2016	
	£	£	£	£
ASSET REALISATIONS				
0 00	Bank Interest Net of Tax	0 93	0 93	
0 00	Cash at Bank on Appointment	0 00	1,631 72	
0 00	Cash on Hand	0 00	23,386 59	
0 00	Debtors (Pre-Appointment)	16,014 88	16,014 88	
0 00	Debtors (Sale of Business)	4,800 00	4,800 00	
0 00	Refund of Bank Charges	49 61	49 61	
		20,865 42		45,883 73
COST OF REALISATIONS				
0 00	Accounting Fees	(3,500 00)	(3,500 00)	
0 00	Advertisements	0 00	(165 00)	
0 00	Agents / Valuers Fees	(1,500 00)	(1,500 00)	
0 00	Commissions	(1,854 91)	(1,854 91)	
0 00	Companies House Search	0 00	(7 00)	
0 00	Court Fees	0 00	(105 00)	
0 00	ID Checks	0 00	(8 00)	
0 00	Legal Fees	(796 03)	(796 03)	
0 00	Liquidators Fees	(22,016 35)	(22,016 35)	
0 00	Meeting Room Fee	0 00	(75 00)	
0 00	Mileage	(43 90)	(107 40)	
0 00	Postage	0 00	(38 54)	
0 00	Pre-Administration Fee	0 00	(9,000 00)	
0 00	Set Up Fee	0 00	(15 00)	
0 00	Specific Bond	(10 00)	(108 00)	
0 00	Statement of Affairs	0 00	(3,000 00)	
0 00	Statutory Report Software Hosting	0 00	(22 50)	
0 00	Storage Costs	(3,565 00)	(3,565 00)	
		(33,286 19)		(45,883 73)
0 00		(12,420 77)		0 00



## APPENDIX 2

### B2354 - Benchmark Communications Limited (B2354)

Details of the basis of the Liquidator's remuneration and disbursements charged in accordance with SIP 9

Classification Of Work Function	Other Director	Insol. Practit.	Senior Manager	Manager	Senior Admin	Admin	Junior Admin	Cashier	Hours	Average Hourly Rate £	Total Cost £
Administration/ Planning	0 0	0 0	0 0	0 8	3 9	0 0	0 0	0 0	4 7	£169 02	£794 40
Investigations	2 2	3 9	0 0	6 1	6.7	0 0	0 0	0 0	18 9	£216 21	£4,086 40
Realisations/ Contributions	1 8	7 7	0 0	13 8	0.0	0.0	0.0	0 0	23 3	£252.27	£5,878 00
Statutory	1 6	4 5	0 0	12 9	3 4	8 4	0 0	0 0	30 8	£200 70	£6,181 60
Creditors	2 5	3 7	0 0	15.0	0.7	0 0	0 0	0 0	21 9	£237.05	£5,191.40
<b>Total</b>	<b>8.1</b>	<b>19.8</b>	<b>0.0</b>	<b>48.6</b>	<b>14.7</b>	<b>8.4</b>	<b>0.0</b>	<b>0.0</b>	<b>99.6</b>	<b>£222.21</b>	<b>£22,131.80</b>

## APPENDIX 2

### B2354 - Benchmark Communications Limited (B2354)

Details of the basis of the Liquidator's remuneration and disbursements charged in accordance with SIP 9

Classification Of Work Function	Other Director	Insol. Practit.	Senior Manager	Manager	Senior Admin	Admin	Junior Admin	Cashier	Hours	Average Hourly Rate £	Total Cost £
Administration/ Planning	0.0	0.0	0.0	0.0	3.1	0.0	0.0	0.0	3.1	£160.00	£496.00
Investigations	0.0	0.0	0.0	0.0	0.2	0.0	0.0	0.0	0.2	£160.00	£32.00
Realisations/ Contributions	0.0	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.8	£325.00	£260.00
Statutory	0.0	1.0	0.0	0.0	2.5	1.5	0.0	0.0	5.0	£182.50	£912.50
Creditors	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	£0.00	£0.00
<b>Total</b>	<b>0.0</b>	<b>1.8</b>	<b>0.0</b>	<b>0.0</b>	<b>5.8</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>9.1</b>	<b>£186.87</b>	<b>£1,700.50</b>

## ROBSON SCOTT ASSOCIATES LIMITED – FEES AND DISBURSEMENTS POLICY

This policy applies where a licensed Insolvency Practitioner in this firm is seeking appointment, or is currently acting, as an office holder of an insolvent estate and a resolution will be proposed or has been approved authorising fees to be drawn from the estate

Chargeout Rates		Robson Scott Associates Limited 47-49 Duke Street Darlington County Durham DL3 7SD
Grade	(£ per hour)	
Insolvency Practitioner	325	Time costs are calculated using 6 minute units  In the event that the fee agreement does not provide for fees on a time cost basis, this information is produced for information only and fees will be drawn on the basis agreed
Director	305	
Manager	235	
Supervisor	190	
Senior Administrator	160	
Case Administrator	125	
Cashier	95	
Support Staff	95	

### Agent's Costs

Charged at cost based upon the charge made by the Agent instructed, the term Agent includes

- Solicitors/Legal Advisors
- Auctioneers/Valuers
- Accountants
- Quantity Surveyors
- Estate Agents
- Other Specialist Advisors

### Disbursements

In accordance with Statement of Insolvency Practice 9 (SIP9) the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1 or Category 2

**Category 1 disbursements** These are costs where there is specific expenditure directly referable both to the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, statutory report web-hosting and equivalent costs reimbursed to the office holder or his or her staff. Category 1 disbursements can be drawn without prior approval although an office holder should be prepared to disclose information about them in the same way as any other expenses.

**Category 2 disbursements** These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage. Category 2 disbursements may be drawn if they have been approved in the same manner as an office holder's remuneration. When seeking approval, an office holder should explain, for each category of expense, the basis on which the charge is being made. If an office holder has obtained approval for the basis of category 2 disbursements, that basis may continue to be used in a sequential appointment where further approval on the basis of remuneration is not required, or where the office holder is replaced.

Category 2 disbursements are proposed to be recovered as follows

Dishonoured Cheque	£25 per cheque
Mileage	55 pence per mile
Photocopying	15 pence per sheet
File set up	£20 per file
Meeting room hire (when not rechargeable at Cat 1)	£65 per statutory meeting
Compulsory Winding Up/ Bankruptcy Petition drafting	£1,550 plus VAT per petition drafted
Storage of books and records	£10 per standard archive box per month £15 per large archive box per month

For further information, the publication, A Creditors' Guide to fees is available to view via our website, [www.robsonscott.co.uk](http://www.robsonscott.co.uk). If, however, you do not have access to the internet and require a hard copy, please contact the office and one will be posted to you.

Please note that chargeout rates and disbursements are reviewed annually and may be subject to change.