

CVA3

Notice of supervisor's progress report in voluntary arrangement



Companies House

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

1 Company details

Company number 0 4 5 1 2 9 8 6

Company name in full MARTIN BURTON PHOTOGRAPHY LIMITED

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Supervisor's name

Full forename(s) ANDREW RICHARD

Surname BAILEY

3 Supervisor's address

Building name/number 5

Street PARK COURT

PYRFORD ROAD

Post town WEST BYFLEET

County/Region SURREY

Postcode K T 1 4 6 S D

Country UNITED KINGDOM

4 Supervisor's name^①

Full forename(s) MARTIN CHARLES

Surname ARMSTRONG

① Other supervisor

Use this section to tell us about
another supervisor.

5 Supervisor's address^②

Building name/number 5

Street PARK COURT

PYRFORD ROAD

Post town WEST BYFLEET

County/Region SURREY

Postcode K T 1 4 6 S D

Country UNITED KINGDOM

② Other supervisor

Use this section to tell us about
another supervisor.

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6**Date of voluntary arrangement**

Date	^d 2	^d 6	^m 0	^m 9	^y 2	^y 0	^y 1	^y 9
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7**Period of progress report**

Date from	^d 2	^d 6	^m 0	^m 9	^y 2	^y 0	^y 1	^y 9
Date to	^d 2	^d 5	^m 0	^m 9	^y 2	^y 0	^y 2	^y 0

8**Progress report**☒ I attach a copy of the progress report**9****Sign and date**

Supervisor's signature

Signature

X**X**

Signature date

^d 2	^d 5	^m 1	^m 1	^y 2	^y 0	^y 2	^y 0
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Notice of supervisor's progress report in 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 JANA SURESH

Company name TURPIN BARKER ARMSTRONG

Address 5 PARK COURT

PYRFORD ROAD

Post town WEST BYFLEET

County/Region SURREY

Postcode K T 1 4 6 S D

Country UNITED KINGDOM

DX

Telephone 01932 336 149



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 or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

IN THE BRIGHTON COUNTY COURT

NO 92 OF 2019

IN THE MATTER OF THE INSOLVENCY ACT 1986

Martin Burton Photography Limited ("the Company")
Company Number 04512986
COMPANY VOLUNTARY ARRANGEMENT (CVA)

**SUPERVISORS' REPORT TO CREDITORS AND MEMBERS ON THE PROGRESS
OF THE VOLUNTARY ARRANGEMENT UNDER RULE 2.41 OF THE
INSOLVENCY (ENGLAND AND WALES) RULES 1986**

1. Introduction

On 14 January 2020, an order in the High Court of Justice under the reference CR-2020-000172, ("the Order"), effected a block transfer of cases from Lynn Gibson of Gibson Hewitt to Martin Charles Armstrong and Andrew Richard Bailey of Turpin Barker Armstrong, 5 Park Court, Pyrford Road, West Byfleet, Surrey KT14 6SD. Accordingly, Martin Charles Armstrong and Andrew Richard Bailey are now the Joint Office Holders in respect of this insolvency appointment and are hereafter referred to as "The Replacement Joint Office Holders". The Replacement Joint Office Holders are authorised to act either jointly or separately by the Order. Furthermore, under the Order Lynn Gibson of 5 Park Court, Pyrford Road, West Byfleet, Surrey KT14 6SD was removed from office as the Office Holder in respect of this insolvency appointment with effect from 14 January 2020.

As required under the Order, the Replacement Joint Office Holders are required to bring the following to your attention:

- There shall be liberty to each creditor of the insolvency estate, (or member in respect of an MVL), to apply to vary or discharge the Order insofar as it relates the estate of which they are a member or creditor, as the case may be, within 56 days of them being given notice of the Order by way of advertisement in the London Gazette. Such applications shall not affect the transfer of the block transfer cases until Ordered by the court.
- In the case of Liquidations where no Liquidation Committees or Creditors' Committees have been appointed; to the extent that such information as aforesaid has not already been provided as part of the report, it is open to any creditor to apply to court for an Order that the Replacement Joint Office Holders do provide an account of the administration of the estate, including a summary receipts and payments, and a statement that they have reconciled the accounts.
- If the replacement Joint Office Holders have been required to provide the information referred to in the above paragraph, whether by way of liquidation committee or by court order on the application of any creditor(s), the costs of the Replacement Joint Office Holders of so complying will, unless there are good reasons to the contrary, be paid as an expense of the winding up, administration or bankruptcy as the case may be.
- In the case of Liquidations, each creditor is hereby notified of his right under regulation 11(2) of the Insolvency Regulations 1994 to require the Replacement Joint Office Holders to supply a statement of receipts and payments free of charge.

The Voluntary Arrangement was approved on 26 September 2019 and Lynn Gibson was appointed Supervisor. Martin Charles Armstrong and I subsequently replaced her as Supervisors as a result of a Court Order dated 14 January 2020.

2. Comments on receipts and payments

Attached is my receipts and payments account for the 12 months ended 25 September 2020.

The balance of funds are held in an interest bearing estate bank account.

a) Voluntary contributions

Under the terms of the Arrangement the Company is scheduled to make 12 consecutive monthly contributions of £250, rising to £500 per month for the remaining 24 months.

b) Repayment of Director's Loan Account

Under the terms of the Arrangement the director Martin Burton was required to repay the entire £18,700 balance within 12 months of the approval of the CVA being 25 September 2020.

6 payments from March 2020 – August 2020 were missed and as a result the Company has accrued arrears of £1,500.

Furthermore, the director has not repaid the £18,700 outstanding in respect of his Director's Loan Account ("DLA").

The arrears from March 2020 onwards are outstanding due to the COVID-19 pandemic which has severely reduced the work performed by the company. In accordance with guidance published by the regulatory bodies and HMRC, I have used the discretion granted to the Supervisor in relation to the issuing of a notice of breach. Whilst a breach has undoubtedly occurred, I have used my discretion to delay issuing a notice of breach. I considered this to be in creditors' interests as:

- i) The company's failure to adhere to the terms of the CVA was due to Covid-19.
- ii) The company may wish to propose a variation to creditors to enable the arrangement to continue;
- iii) The business was closed as a consequence of Covid-19 and accordingly the company's income stopped resulting in no contributions being made into the CVA;
- iv) Due to the impact of Covid-19 upon the operations of all businesses and individuals, including creditors of the arrangement, it was not considered appropriate to seek a variation prior to this time;
- v) If I were to have issued a notice of breach immediately, the CVA would have undoubtedly failed. It was appropriate to use our discretion and allow additional time for the CVA to be dealt with in an orderly manner;
- vi) I have taken into consideration regulatory guidance and sought independent compliance advice;
- vii) There has been no detriment to creditors to allow further time for the company to consider its options including to put a variation forward to creditors or to place the company into Creditors' Voluntary Liquidation.

I have been in regular contact with the director who is now considering placing the company into liquidation. Should the director proceed with this, the CVA will be terminated upon the passing of the winding-up resolution. Further information will be provided to creditors when available.

The Company has confirmed that it has not received any windfalls in the period covered by the report.

3. Creditor claims

	As per Proposal	Lodged to Date
	£	£
Preferential creditors	NIL	NIL
Unsecured	22,450	2,760

There are 3 creditor claims outstanding with a statement of affairs balance totalling £19,950.

It is anticipated that total creditor claims will be in line with the amount disclosed by the company in the Statement of Affairs.

4. Office holder's remuneration

Under the terms of the proposal, the remuneration of the Nominee Lynn Gibson was to be calculated as a fixed fee of £1,500. This remains outstanding.

Under the terms of the proposal, my remuneration as Joint Supervisor is to be calculated on a time cost basis.

My total time costs to 25 September 2020 amount to £7,120, representing 32 hours work at a blended charge out rate of £222 per hour.

A detailed schedule of my time costs incurred is attached as Appendix 2.

I have not been able to draw any remuneration in this matter.

During the course of the Arrangement I have taken the necessary steps to discharge my duties as Supervisor in accordance with the terms of the Arrangement. A description of the routine work undertaken since my appointment as Supervisor is as follows:

1. Administration and Planning

- Statutory notifications.
- Preparing documentation required.
- Dealing with all routine correspondence.
- Maintaining physical case files and electronic case details on the case management system.
- Review and storage.
- Case bordereau.
- Case planning and administration.
- Preparing reports to members and creditors.
- Monitoring compliance with the terms of the Arrangement

2. Cashiering

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

3. Creditors

- Dealing with creditor correspondence and telephone conversations.
- Maintaining creditor information on the case management system.

4. Realisation of Assets

- Corresponding with directors and collecting payments.
- Reviewing the Company's cash flow forecast
- Liaising with the Directors regarding the Company's monthly contributions and trading accounts
- Liaising with the Director regarding the repayment of the overdrawn loan account.

This work was necessary to administer the Voluntary Arrangement. Some of the work was required by statute and regulatory guidance.

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/>. A copy of 'A Creditors' Guide to Voluntary Arrangement Fees' also published by R3, together with an explanatory note which shows Turpin Barker Armstrong's fee policy are available at the link <https://www.turpinbainsolvency.co.uk/fees-and-links>. Please note that there are different versions of the Guidance Notes and in this case you should refer to the April 2017 version. A hard copy of both documents can be obtained on request.

5. Office holder's expenses

I have incurred expenses to 25 September 2020 of £95.62.

I have not been able to draw any expenses in this matter.

I have incurred the following expenses in the period since my appointment as Supervisor:

Type of expense	Amount incurred in the reporting period
Bordereau	£74.40
Advertising	£21.22
Total	£95.62

As at 25 September 2020 I do not anticipate that the expenses I will incur in this matter will exceed the total expenses estimated in the proposal.

6. Progress and prospects for the full implementation of the Arrangement

The Company missed 6 contributions during the course of the last 12 months because of a downturn in work gained as a result of the COVID-19 pandemic. In addition, future contracts have been cancelled or delayed indefinitely.

As previously reported the director is considering placing the company into liquidation.

The original proposal envisaged a total dividend of 100p in the £. No distributions have been made to date.

As detailed above, the Arrangement is likely to be terminated. No dividend is expected to be declared to creditors.

7. Matters outstanding

- a) Agreement of claims. Any creditor who has not yet submitted a claim should now do so as soon as possible.
- b) I have been approached by the director who is considering placing the Company into liquidation. I will revert to creditors as necessary.

To comply with the Provision of Services Regulations, some general information about Turpin Barker Armstrong, can be found at <https://www.turpinbainsolvency.co.uk/fees-and-links>.

If creditors or members have any queries regarding the conduct of the Voluntary Arrangement, or if they want hard copies of any of the documents made available on-line, they should contact me at Turpin Barker Armstrong, 5 Park Court, Pyrford Road, West Byfleet, Surrey KT14 6SD or by email at jana.suresh@turpinba.co.uk, or by phone on 01932 336 149.

Andrew Richard Bailey
Joint Supervisor

25 November 2020



M239 Martin Burton Photography Limited (Company Voluntary Arrangement)

Abstract of Receipts and Payments for the period from 26 September 2019 to 25 September 2020

		Statement of Affairs	£
RECEIPTS			
251	Directors loans	18,700	0.00
702	Scheme Receipts CVA	15,000	1,500.00
801	Interest Gross	0	2.14
	Vat on outputs		0.00
		33,700	1,502.14
	<i>Net Balance</i>		£1,502.14

Analysis of sums held:

Interest earning account : National Westminster Bank PLC £1,502.14

SIP9 Time Report

Turpin Barker Armstrong
Time and Chargeout Summaries

Martin Burton Photography Limited - In Creditors Voluntary Arrangement

From 26 September 2019 to 25 September 2020

Classification of work function	Partner	Manager	Other Senior Professional	Assistants and Support Staff	Total Hours	Time Cost	Average Hourly Rate
Administration & Planning Investigations Realisation of Assets Creditors Trading Other / Legal	3.10	1.58	6.10	18.07	28.85	6,265.51	217.18
	-	-	-	-	-	-	-
	-	0.20	1.90	-	2.10	621.00	-
	-	0.50	-	0.67	1.17	233.33	200.00
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
TOTAL HOURS	3.10	2.28	8.00	18.73	32.12	7,119.84	221.69

Charge-out Rates and Bases of Disbursements

**ADDITIONAL INFORMATION IN RELATION TO SUPERVISORS' FEES PURSUANT TO
STATEMENT OF INSOLVENCY PRACTICE 9 (SIP9)
Policy**

Detailed below is Turpin Barker Armstrong's policy in relation to:

- Staff allocation and the use of subcontractors
- Professional advisors
- Disbursements

Staff allocation and the use of subcontractors

The 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, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment. The charge out rate schedule below provides details of all grades of staff and their experience level.

We have not utilised the services of any sub-contractors in this case.

Disbursements

Category 1 and 2 disbursements were incurred by the Supervisors as set out in the Statements of Insolvency Practice (SIP9) and detailed at: <https://www.turpinbainsolvency.co.uk/fees-and-links>

Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case.

Category 2 disbursements do require approval from creditors. These disbursements can include costs incurred by Turpin Barker Armstrong for the provision of services which include an element of recharged overhead, for example, room hire or document storage.

Time was recorded in 1 minute units. A schedule of charge-out rates for this assignment effective until 14 January 2020 is detailed below. No Category 2 disbursements have been drawn on this case.

Charge-out rates

Category of Staff	Per hour £
Partner	400
Manager	250 – 300
Other Senior Professional	150 – 200
Administrators / Cashiers	100 – 150

Effective from 14 January 2020 time is recorded in 6 minute units and the charge out rates have been amended to the following:

Category of Staff	Per hour £
Senior Partner	595
Partner	440
Manager	350
Assistant Manager	310
Senior Administrator	290
Administrator	240
Assistant Administrator	100
Junior Administrator	40