

**Liquidator's Progress Report**

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

**S. 192**

To the Registrar of Companies

Company Number

05571546

Name of Company

(a) Insert full name  
of company

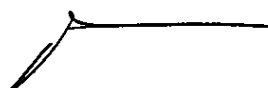
(a) ICER BRANDS EUROPE LIMITED - IN LIQUIDATION

(b) Insert full name(s)  
and address(es)I (b) Paul Appleton of David Rubin & Partners, 26 - 28 Bedford Row, London,  
WC1R 4HE

the Joint 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 9 June 2015 to 8 June 2016

Signed



Date 5/2/16

Presenter's name,  
address and reference  
(if any)

David Rubin & Partners  
26 - 28 Bedford Row  
London WC1R 4HE

Tel 020 7400 7900  
DX Number 267 DX Exchange London/Chancery Lane

SATURDAY



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06/08/2016

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COMPANIES HOUSE

**IN THE MATTER OF**  
**ICER BRANDS EUROPE LIMITED - IN LIQUIDATION**

**AND**  
**THE INSOLVENCY ACT 1986**

**THE JOINT LIQUIDATORS' SECOND ANNUAL PROGRESS REPORT**  
**PURSUANT TO SECTION 104A OF THE INSOLVENCY ACT 1986**  
**AND**  
**RULE 4.49C OF THE INSOLVENCY RULES 1986**  
**FOR THE YEAR ENDED 8 JUNE 2016**

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## **APPENDICES**

- A Receipts and Payments Account from 9 June 2015 to 8 June 2016
- B Cumulative Receipts and payments account from 9 June 2014 to 8 June 2016
- C Time Analysis for the period 9 June 2015 to 8 June 2016
- B Cumulative Time Analysis for the Period from 9 June 2014 to 8 June 2016

**ICER BRANDS EUROPE LIMITED - IN LIQUIDATION**  
**Annual Progress Report pursuant to Section 104A of the Insolvency Act 1986**

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**(a) Introduction**

The Company was placed into liquidation by a Special Resolution of the Shareholders followed by a meeting of the creditors convened under Section 98 of the Insolvency Act 1986 on 9 June 2014. This report provides an update on the progress in the liquidation for the year ended 8 June 2016.

**Rule 4.49C-CVL(5): Progress Report**

**(b) Statutory information**

Company name	ICER Brands Europe Limited
Registered office	26-28 Bedford Row, London, WC1R 4HE
Company number	05571546
Trading address	Unit Z4-60, The Old Truman Brewery, 91 Brick Lane, E1 6QL

**(c) Joint Liquidators' names and address:**

Paul Appleton and Paul Cooper of David Rubin & Partners, 26 - 28 Bedford Row, London, WC1R 4HE were appointed Joint Liquidators of the Company on 9 June 2014.

**(d) Basis of Joint Liquidators' remuneration**

*Basis of remuneration*

- 1.1 At the first meeting of creditors, a resolution was passed approving that the basis of our remuneration as Joint Liquidators be fixed by reference to the time properly spent by our staff and ourselves in attending to matters arising in the winding-up.
- 1.2 In accordance with the provisions of Statement of Insolvency Practice 9 ("SIP 9"), a schedule of my firm's charge-out rates was issued to creditors at the time the basis of the Joint Liquidators' remuneration was approved. There has not been any material increase in the rates during this appointment. Our current hourly chargeout rates exclusive of VAT, which are charged in units of 6 minutes, are as follows -

	£
Senior / Managing Partners	450
Partners / Office holders	300 - 395
Managers / Senior Managers	250 - 295
Senior Administrators	180 - 220
Administrators	130 - 160
Cashiers and Assistants	120 - 160
Supports	110 - 120

Chargeout rates are normally reviewed annually in November, when rates are adjusted to reflect such matters as inflation, increases in direct wage costs, and changes to indirect costs such as Professional Indemnity Insurance.

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**1.3 Staff allocation and the use of subcontractors**

My general approach to resourcing my 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, Manager, Senior Administrator and two Administrators. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment, and additional staff may be allocated to meet the demands of the case.

I have not utilised the services of any subcontractors in this case.

**(e) Joint Liquidators' remuneration**

My time costs for the year under review are £38,733. This represents 119 hours and 54 minutes at an average rate of £323 per hour. I attach, as Appendix B, a Time Analysis, which provides details of the activity during the year, analysed by staff grade.

I have also reviewed my cumulative time costs for the period from 9 June 2014 to 8 June 2016 and would report that my total time costs are £83,072 for 296 hours and 48 minutes, which equates to an average cost of £279 per hour. A breakdown of my time charges is also set out in Appendix B.

To date £50,000 plus VAT has been paid on account of these time costs.

To view an explanatory note concerning Liquidators' remuneration issued by the Joint Insolvency Committee, please visit the Publications folder on our website at [www.drpartners.com/cases](http://www.drpartners.com/cases), using the following log-on details:

USERNAME 1840@drco.co.uk

PASSWORD 048Igm\*1

Alternatively, please contact this office to arrange for a copy to be sent to you.

Included in the work undertaken by me and my staff is, inter alia, the following -

- i) Dealing with creditors' enquiries, both by correspondence and by telephone, and noting their claims.
- ii) Applying for the Joint Liquidators' bond, as required by the Insolvency Practitioners Regulations 2005.
- iii) Carrying out all necessary investigations, including the examination of the Company's statutory records and books of accounts and records, in order to enable me to prepare and submit our report on the conduct of the Directors pursuant to the requirements of the Company Directors Disqualification Act 1986.
- iv) Dealing with all matters relating to book debts, including reconciling the Company's sales ledger, correspondence and telephone attendances with the debtors and, subsequently, correspondence with my Debt Collection Agent, Grace & Good Limited ("G&G").
- v) Liaising with my Agents, Eddison Commercial Limited ("ECL"), regarding the marketing and sale of the Company's chattel assets.

**ICER BRANDS EUROPE LIMITED - IN LIQUIDATION**  
**Annual Progress Report pursuant to Section 104A of the Insolvency Act 1986**

- vi) Correspondence with the Company's landlord and subtenant regarding the potential recovery of rent and the rent deposit
- vii) Extensive and protracted correspondence with the Company's parent, ICER International Holdings LLC ("IIH"), concerning intercompany transactions and reaching a Settlement in respect of the same
- viii) Preparation and circulation of my Annual Progress Report and Receipts and Payments Account to Creditors pursuant to S104A of the Insolvency Act 1986 and submission of the same to the Registrar of Companies

**(f) Liquidators' expenses**

Expenses incurred in the liquidation are explained at (g) below in my comments on the Receipts and Payments Account

**(g) Details of progress for the period under review and cumulatively:**

Creditors will recall that the Company's assets, as per the Director's Estimated Statement of Affairs ("ESOA"), included Rent Deposits in respect of its occupation of premises at Great Portland Street and The Old Truman Brewery, for the amounts of £29,312 and £2,338 respectively. The Rent Deposits have not been realised, as anticipated, due to the level of rent arrears owed to the respective landlords. Notwithstanding this, rent payments totalling £16,406 were collected from a subtenant in lieu of a rent deposit, which is described further at 1.6 below.

Creditors will recall that the Company's Sales Ledger, in respect of debts not subject to invoice finance, had been ascribed a book value of £107,441 and were estimated to realise £6,310 as per the Director's Estimated Statement of Affairs ("ESOA") due to the level of known disputes. I have previously advised that Grace & Good Limited ("G&G"), my Debt Collection Agent, was instructed to collect the debtor monies. However, due to the aforementioned disputes, together with difficulties in pursuing debtors based outside of the UK, no further realisations were made and a commercial decision was taken not to pursue the remaining book debts further.

As a result of my correspondence with IIH, which took place over a period of several months and involved an extensive review of a number of financial transactions, I would advise creditors that a Settlement Agreement was eventually reached with IIH that has resulted in a realisation of £80,000 being effected to the liquidation estate.

A Receipts and Payments Account is attached, at Appendix A, which is further explained below. Also, attached, at Appendix A, is a cumulative Receipts and Payments Account for the period from 9 June 2014 to 8 June 2016.

**1. Receipts**

**1.1 Book Debts – Surplus from RBSIF**

The Company utilised invoice finance with RBS Invoice Finance ("RBSIF"). The book debts subject to the RBSIF agreement were disclosed in the ESOA as having a realisable value of £1,762 and RBSIF were indicated to be owed £712. Following collection of these debts and deduction of the sums owed to RBSIF, a balance of £1,052 was realised.

**ICER BRANDS EUROPE LIMITED - IN LIQUIDATION**  
**Annual Progress Report pursuant to Section 104A of the Insolvency Act 1986**

**1.2 Fixtures, Fittings & Equipment and Stock**

The Company's chattels assets, comprising Fixtures, Fittings & Equipment and Stock, which were estimated to realise £275 and £750 respectively, were sold at auction by EDL. A total of £2,801 was realised from the sale of these assets.

**1.3 Book Debts**

During the period covered by this report, and as outlined in (g) above, no further realisations have been made in respect of the debts due to the Company. Total recoveries in this regard equate to £2,110 and no further realisations are anticipated.

**1.4 Cash at Bank**

The Company banked with Royal Bank of Scotland plc ("RBS"). The ESOA disclosed a credit balance with RBS of £10,841. I contacted RBS shortly after my appointment, and requested that all accounts in the Company's name be closed and that the aggregate balance be forwarded to me. I duly received the sum of £13,648 from RBS.

**1.5 Cash held on Appointment**

The amount of £9,071 was held by my firm, prior to my appointment as Joint Liquidator, specifically for the purposes of meeting the costs of the Statement of Affairs fee, as detailed below. This sum is comprised of a payment from the Company of £4,000, together with the balance of its petty cash in the sum of £5,071, which related to the sale of stock prior to my appointment.

**1.6 Rent**

Following my appointment, I liaised with the Company's subtenant at Great Portland Street to enquire as to whether it had any interest in taking an assignment of the lease. Enquires were also made of the landlord as to whether it would be prepared to accept such an assignment. As part of, and during, this process, the landlord's agents notified me that the rent deposit was being utilised to discharge the rent and service liabilities accruing in the Company's name. However, rent payments totalling £16,406 made by the subtenant were received. Creditors will note that a surrender of the lease was subsequently agreed with the landlord.

**1.7 Bank Interest Gross**

The funds in hand are held in an interest bearing account with a High Street bank in the Joint Liquidators' names as Joint Liquidators of the Company.

Interest earned on the funds in hand amounts to £188, of which £129 was received during the year under review.

**1.8 Refund**

A refund in respect of national non-domestic rates was realised from London Borough of Tower Hamlets in the sum of £635.

**ICER BRANDS EUROPE LIMITED - IN LIQUIDATION**  
**Annual Progress Report pursuant to Section 104A of the Insolvency Act 1986**

**1.9 Settlement Agreement**

As outlined at (g) above, during the period under review, a Settlement Agreement was reached with IHH and a payment of £80,000 was subsequently made into the liquidation account. It will be noted that confidentiality clauses incorporated into the Settlement Agreement prevent any disclosure other than that outlined in this Report.

**2. Payments**

**2.1 Statement of Affairs Fee**

This fee relates to the assistance given to the Directors of the Company in notifying and convening the members and creditors meetings pursuant to Section 98 of the Insolvency Act 1986, and the preparation of the Statement of Affairs and Directors' Report to creditors. This fee was approved at the first meeting of creditors.

**2.2 Joint Liquidators' Remuneration**

As mentioned in (e) above, to date, £50,000 plus VAT has been paid on account of Liquidator's time incurred, which currently stands at £83,072.

**2.3 Statutory Advertising**

This represents the costs for the publishing of statutory advertising in the London Gazette in respect of the first meetings of the members and creditors, the notice of the appointment of the Liquidator and to creditors to submit their claims in the liquidation.

**2.4 Specific Bond**

The Specific Bond is the cost of insurance, based on the level of realisations by the Liquidator, as required by the Insolvency Practitioners Regulations 2005.

**2.5 Debt Collection Fees**

The amount of £1,000 plus VAT has been paid to G&G during the year under review in respect of services provided in collecting the Company's book debts. G&G have been paid a total of £1,661. It was agreed that G&G would charge fees equivalent to 40% of the debts realised due to the difficulties with the debtor collection exercise. However, due to the significant time and effort expended by G&G in respect of this matter, I authorised an additional fixed fee in this regard.

**2.6 Agents fees**

The amount of £1,230 was paid to EDL in respect of its fees for providing the valuation of the Company's chattel assets and for the marketing and sale of the same. There is no amount outstanding in respect of agent's fees.

EDL was selected as agents on the basis of its experience and expertise in dealing with valuations and sale of assets in insolvency situations, taking into account the locality and size of the Company.



**ICER BRANDS EUROPE LIMITED - IN LIQUIDATION**  
**Annual Progress Report pursuant to Section 104A of the Insolvency Act 1986**

**2.7 Expenses incurred and not yet paid**

The costs of archiving and storing the Company's books and records in the sum of £280 has been incurred by my firm and not yet recharged to the Company in liquidation

**(h) Details of any assets that remain to be realised and outstanding matters**

There are no outstanding assets to be realised and this case will be progressed to closure shortly after payment of a dividend to creditors

**(i) Investigations**

- 1 1 In accordance with the Company Directors Disqualification Act 1986, I have submitted a report on the conduct of the Directors of the Company to the Department for Business Innovation & Skills (BIS) As this is a confidential report, I am not able to disclose its contents
- 1 2 Shortly after my appointment, I made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate This assessment took into account information provided by creditors either at the initial meeting, or as a response to my request to complete an investigation questionnaire My investigations revealed that further enquiries should be made of IHH concerning various intercompany transactions
- 1 3 As previously mentioned, following protracted correspondence with IHH regarding certain payments made by the Company to IHH during the period prior to liquidation, a Settlement Agreement was reached with IHH

**(j) Creditors' rights – Rule 4.49E and Rule 4.131**

- i) 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 Liquidator provides further information about his remuneration or expenses, which have been itemised in this progress report
- ii) 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 the basis fixed for the Liquidators' remuneration, the remuneration charged, or the expenses incurred by the Liquidator, as set out in this progress report, are excessive

**(k) Any other relevant information:**

**(i) Preferential Creditors**

I have received one claim, which is classed as preferential in this matter, from the Redundancy Payments Service, in the sum of £647 I have calculated an additional preferential claim, which is a balancing claim in respect of a former employee, in the sum of £1,710 Preferential claims will be paid in full

**ICER BRANDS EUROPE LIMITED - IN LIQUIDATION**  
**Annual Progress Report pursuant to Section 104A of the Insolvency Act 1986**

**(iii) Unsecured Creditors**

As funds will become available for Unsecured Creditors, I have requested creditors to submit their claims for adjudication. As at the date of this report, the claims of 10 creditors with a total value of £124,616 have been received. The claims of 9 creditors with an estimated total value of £85,338 have yet to be established.


**(iv) Notice of Intended Dividend**

- 1.1 At present, I have funds of £64,985 in hand. It is my intention to pay a first and final dividend to non-preferential creditors within the next two months and I am enclosing a Notice of Intended Dividend to those creditors, who have yet to lodge their claims in the liquidation.
- 1.2 If you have not already submitted a claim in the Liquidation a Proof of Debt form is available for download from our website at [www.drpartners.com/cases](http://www.drpartners.com/cases) using the log-in details already supplied to you. Would you please complete and return the form to me before 31 August 2016 otherwise you will be excluded from any dividend payable after that date. If you require a hard copy of the Proof of Debt form to be sent to you by post, please contact Daniel Jolliffe on 020 7400 7900.
- 1.3 Alternatively, I should be obliged if you would inform me if you have no claim in the liquidation.

**(i) Next report**

I am required to provide a further report on the progress of the liquidation within two months of the end of the next anniversary of the liquidation, unless I have concluded matters prior to that, in which case I will write to all creditors with my final progress report ahead of convening the final meeting of creditors.

I trust you will find this report adequate for your purposes but should you require any further information, please do not hesitate to contact in the first instance either my Senior Manager, Glyn Middleton, or his assistant, Daniel Jolliffe, at this office.



**PAUL APPLETON - JOINT LIQUIDATOR**

**DATE: 4 AUGUST 2016**

**ICER BRANDS EUROPE LIMITED - IN LIQUIDATION**  
**JOINT LIQUIDATORS' RECEIPTS AND PAYMENTS ACCOUNT**  
**FROM 9 JUNE 2014 TO 8 JUNE 2016**

	<u>Estimated</u> <u>to realise</u> £	<u>Realised</u> <u>to date</u> £	<u>Y/E</u> <u>08-Jun-16</u> £
<b><u>Balance brought forward</u></b>			36,054 76
<b><u>Receipts</u></b>			
Book Debts (Surplus from RBS Invoice Finance)	1,050 00	1,052 66	
Rent Deposit - Great Portland Street	29,312 00	Nil	
Rent Deposit - The Old Truman Brewery	2,338 00	Nil	
Stock, Furniture, Fittings & Equipment	1,025 00	2,801 00	
Book Debts	6,310 00	2,110 34	
Cash at Bank	10,841 00	13,648 69	
Cash held on Appointment	9,071 00	9,070 99	
Rent		16,406 25	
Bank Interest Gross of Tax		188 78	129 58
Refund/Recovery		635 39	
Settlement Agreement		80,000 00	80,000 00
		<u>125,914 10</u>	<u>116,184 34</u>
<b><u>Payments</u></b>			
Statement of Affairs Fee		7,500 00	
Joint Liquidators' Remuneration - on Account		50,000 00	50,000 00
Statutory Advertising		338 40	
Specific Bond		199 20	199 20
Debt Collection Fees		1,661 26	1,000 00
Agents/Valuers Fees (2)		1,230 10	
		<u>60,928 96</u>	<u>51,199 20</u>
<b><u>Receipts less Payments</u></b>		<u>64,985 14</u>	<u>64,985 14</u>
<b><u>Represented by.-</u></b>			
VAT Receivable			10,578 27
Balance at Bank			58,248 32
VAT Payable			<u>(3,841 45)</u>
			<u>64,985 14</u>

## ICER BRANDS EUROPE LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

**JOINT LIQUIDATORS' TIME COSTS**  
**FOR THE PERIOD 9 JUNE 2015 TO 8 JUNE 2016**

## SIP 9 TIME SUMMARY

Classification of work function	Hours					Total Cost £	Average hourly rate £
	Partners	Manager / Senior Manager	Admin / Senior Admin	Cashiers	Total hours		
Statutory compliance, admin and planning	20 00	07 36	15 06	03 12	45 54	12,416 00	270 50
Investigations	31 00	03 24	15 06	00 00	49 30	17,625 00	356 06
Realisations of assets	13 30	01 06	02 06	00 00	16 42	5,366 50	321 35
Creditors	07 00	00 00	00 48	00 00	07 48	3,326 00	426 41
<b>Total hours and costs</b>	<b>71 30</b>	<b>12 06</b>	<b>33 06</b>	<b>03 12</b>	<b>119 54</b>	<b>38,733 50</b>	<b>323 05</b>

**LIQUIDATOR'S CUMULATIVE TIME COSTS**  
**FOR THE PERIOD FROM 9 JUNE 2014 TO 8 JUNE 2016**

## SIP 9 TIME SUMMARY

Classification of work function	Hours					Total Cost £	Average hourly rate £
	Partners	Manager / Senior Manager	Admin / Senior Admin	Cashiers	Total hours		
<b>Statutory compliance, admin and planning</b>							
IPS set up & maintenance	00 00	00 00	01 48	00 00	01 48	351 00	195 00
Statutory filings, circulars, notices, etc	00 00	00 00	18 00	00 00	18 00	2,340 00	130 00
Case planning, strategy & control	00 00	10 06	10 24	00 00	20 30	4,892 50	238 66
Taxation PAYE, C/Tax & VAT	00 00	01 30	00 42	00 00	02 12	554 50	252 05
Accounting & Cashiering	00 00	07 30	01 12	08 24	17 06	3,638 50	212 78
Case reviews & Diary maintenance	25 00	00 00	04 30	00 00	29 30	8,881 00	301 05
Statutory reporting and compliance	05 00	00 00	09 12	00 00	14 12	3,708 00	261 13
<b>Investigations</b>							
CDDA preparation & reporting	02 00	00 00	07 30	00 00	09 30	2,550 00	268 42
SIP2 assessment and financial review	00 00	04 30	08 42	00 00	13 12	3,241 50	245 57
Investigating antecedent transactions	40 00	06 06	19 48	00 00	65 54	23,469 50	356 14
Proceedings & recoveries	00 00	00 00	14 48	00 00	14 48	3,256 00	220 00
<b>Realisation of assets</b>							
Freehold & leasehold properties	00 00	12 12	00 30	00 00	12 42	3,709 00	292 05
Book debts collection	13 00	10 48	25 24	00 00	49 12	13,726 00	278 98
Tangible assets	10 30	00 54	02 42	00 00	14 06	4,609 50	326 91
<b>Creditors</b>							
Unsec'd Creditors correspondence & claims	07 00	00 00	00 48	00 00	07 48	3,326 00	426 41
Preferential creditors & employees	00 00	00 00	06 18	00 00	06 18	819 00	130 00
<b>Total hours and costs</b>	<b>102 30</b>	<b>53 36</b>	<b>132 18</b>	<b>08 24</b>	<b>296 48</b>	<b>83,072 00</b>	<b>279 89</b>

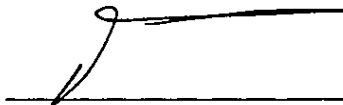
**ICER BRANDS EUROPE LIMITED - IN LIQUIDATION  
AND THE INSOLVENCY RULES 1986**

**NOTICE OF INTENDED DIVIDEND**

Pursuant to Rule 11.2 of The Insolvency Rules 1986, NOTICE IS HEREBY GIVEN that the Joint Liquidators proposes declaring a dividend to the unsecured creditors of the Company

The last date for proving debts against the Company is **Wednesday 31 August 2016** by which date claims must be sent to the undersigned, **Paul Appleton of David Rubin & Partners, 26 - 28 Bedford Row, London, WC1R 4HE**, the Joint Liquidator of the Company. Notice is further given that the Joint Liquidators intend to declare a final dividend within 2 months of the last date for proving

**DATED THIS 4<sup>TH</sup> DAY OF AUGUST 2016**

A handwritten signature in black ink, appearing to read 'Paul Appleton', is written over a horizontal line.

**Paul Appleton – Joint Liquidator**