In accordance with Rule 18.7 of the Insolvency (England & Wales) Rules 2016 and Sections 92A, 104A and 192 of the Insolvency Act 1986.

## LIQ03

# Notice of progress report in voluntary winding up



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\*A89KMFTT\* 12/07/2019

**COMPANIES HOUSE** Company details → Filling in this form Company number 5 7 5 3 4 0 Please complete in typescript or in bold black capitals. Company name in full PFI Camden (Holdings) Limited Liquidator's name Full forename(s) Jeremy Surname Karr 3 Liquidator's address Building name/number 24 Conduit Place Street Post town London County/Region Postcode W 2 Ε Ρ Country Liquidator's name • Other liquidator Simon John Full forename(s) Use this section to tell us about Surname Killick another liquidator. 5 Liquidator's address o 24 Conduit Place Building name/number Other liquidator Use this section to tell us about Street another liquidator. Post town London County/Region W 2 Postcode Ε P Country

LIQ03 Notice of progress report in voluntary winding up

6	Period of progress report
From date	d d 7 0 5 2 0 1 8
To date	1 6 0 5 2 0 1 9
7	Progress report
	☑ The progress report is attached
8	Sign and date
Liquidator's signature	Signature X
Signature date	1 1 7 7 2 70 17 19

LIQ03 Notice of progress report in voluntary winding up

Presenter information	Important 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.	All information on this form will appear on the public record.
Contact name Simon John Killick	☑ Where to send
Company name Begbies Traynor (Central) LLP	You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:
Address 24 Conduit Place	The Registrar of Companies, Companies House,
London	Crown Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff.
Post town W2 1EP	
County/Region	
Postcode Country	<i>t</i> Further information
London.Paddington@begbies-tray  Telephone  020 7262 1199  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.	For further information please see the guidance notes yn or the mebsite 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



# PFI Camden (Holdings) Limited (In Creditors' Voluntary Liquidation)

Progress report

Period: 17 May 2018 to 16 May 2019

#### **Important Notice**

This progress report has been produced solely to comply with our statutory duty to report to creditors and members of the Company on the progress of the liquidation. The report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by creditors and members for any purpose other than this report to them, or by any other person for any purpose whatsoever.

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  - 3. Statement of Liquidators' expenses

## 1. INTERPRETATION

Expression	<u>Meaning</u>
"the Company"	PFI Camden (Holdings) Limited (In Creditors' Voluntary Liquidation)
"the liquidation"	The appointment of liquidators on 17 May 2018.
"the liquidators", "we", "our" and "us"	Jeremy Karr and Simon Killick of Begbies Traynor (Central) LLP, 24 Conduit Place, London, W2 1EP
"the Act"	The Insolvency Act 1986 (as amended)
"the Rules"	The Insolvency (England and Wales) Rules 2016
"secured creditor" and "unsecured creditor"	Secured creditor, in relation to a company, means a creditor of the company who holds in respect of his debt a security over property of the company, and "unsecured creditor" is to be read accordingly (Section 248(1)(a) of the Act)
"security"	(i) In relation to England and Wales, any mortgage, charge, lien or other security (Section 248(1)(b)(i) of the Act); and
	(ii) In relation to Scotland, any security (whether heritable or moveable), any floating charge and any right of lien or preference and any right of retention (other than a right of compensation or set off) (Section 248(1)(b)(ii) of the Act)
"preferential creditor"	Any creditor of the Company whose claim is preferential within Sections 386, 387 and Schedule 6 to the Act

## 2. COMPANY INFORMATION

Trading name(s): PFI Camden

Company registered number: 05751341

Company registered office: 24 Conduit Place, London, W2 1EP

Former trading address: 8 White Oak Square, London Road, Swanley, BR8 7AG

## 3. DETAILS OF APPOINTMENT OF LIQUIDATORS

Date winding up commenced: 17 May 2018

Date of liquidators' appointment Jeremy Karr and Ian Franses on 17 May 2018

Simon Killick on 22 May 2019

Changes in liquidator (if any). Ian Franses was replaced as Joint Liquidator by Simon Killick

pursuant to a block transfer order made in the High Court Of

Justice on 22 May 2019.

## 4. PROGRESS DURING THE PERIOD

#### **Receipts and Payments**

Attached at Appendix 1 is our abstract of receipts and payments for the period from 17 May 2018 to 16 May 2019.

There have been no receipts or payments in the first year of the liquidation.

What work has been done in the period of this report, why was that work necessary and what has been the financial benefit (if any) to creditors?

Details of the types of work that generally fall into the headings mentioned below are available on our firm's website - <a href="http://www.begbies-traynorgroup.com/work-details">http://www.begbies-traynorgroup.com/work-details</a> Under the following headings we have explained the specific work that has been undertaken on this case. Not every piece of work has been described, but we have sought to give a proportionate overview which provides sufficient detail to allow creditors to understand what has been done, why it was necessary and what financial benefit (if any) the work has provided to creditors.

The costs incurred in relation to each heading are set out in the Time Costs Analysis which is attached at Appendix 2.

#### General case administration and planning

The Liquidators are required to maintain records to demonstrate how the case was administered and to document the reasons for any decisions that materially affect the case.

#### Compliance with the Insolvency Act, Rules and best practice

The Liquidators are required to comply with the provisions of the Act at all times. In the first year of the liquidation this has included sending notices to the registrar, filing certain statutory adverts and compiling this report to creditors together with its enclosures. Periodic compliance reviews are also carried out by the Liquidators in order to ensure that all statutory and procedural obligations are being met. These activities have no direct financial benefit for the creditors but are nonetheless a necessary part of administering the liquidation.

#### Investigations

The Liquidators are required to carry out an investigation into the affairs of the Company and the way in which it was managed in the period preceding the commencement of the liquidation. We have undertaken an assessment of the manner in which the business was conducted prior to the liquidation of the Company and potential recoveries for the estate in this respect.

#### Realisation of assets

We have not realised any assets in the liquidation. As the Holding company for Partners For Improvement in Camden ("**PFIC**") (also in liquidation, being dealt with by Jeremy Karr and Simon Killick of Begbies Traynor) the only assets on the balance sheet is the investment in PFIC and the loans made to it in the sum of £8,748,000.

The prospects of recovering the sums due from PFIC are linked directly to the recoveries that we make as Liquidators of PFIC. There are funds in the liquidation of PFIC and it is anticipated that there will be a return to creditors however the quantum and timing of such a distribution are uncertain as there are various matters that are being dealt with in the liquidation of PFIC.

#### Dealing with all creditors' claims (including employees), correspondence and distributions

The Directors' statement of affairs lists only two creditors:

Aberdeen Infrastructure Limited in the sum of £4,374,000; and Palio (No 8) Limited in the sum of £4,374,000.

We have been liaising closely with the two creditors above both prior to and subsequent to our appointment as Liquidators.

Other matters which includes seeking decisions from creditors (via Deemed Consent Procedure and/or Decision Procedures, tax, litigation, pensions and travel

The Liquidators have also been liaising with HMRC in relation to any claims that they may have in the liquidation.

#### ESTIMATED OUTCOME FOR CREDITORS 5.

Details of the sums owed to each class of the Company's creditors were provided in the Directors' statement of affairs.

#### Secured creditor

The Bank of Scotland ("the Bank") holds a floating charge over the Company's assets and a mortgage over the Company's shares pursuant to the terms of a charge document created on 2 May 2006

#### Preferential creditors

There are no known preferential creditors.

#### **Unsecured creditors**

The Directors' statement of affairs lists only two creditors:

Aberdeen Infrastructure Limited ("Aberdeen") in the sum of £4,374,000; and Palio (No 8) Limited ("Palio") in the sum of £4,374,000.

#### Prescribed Part for unsecured creditors pursuant to Section 176A of the Act

Section 176A of the Act provides that, where the company has created a floating charge on or after 15 September 2003, the liquidator must make a prescribed part of the Company's net property available for the unsecured creditors and not distribute it to the floating charge holder except in so far as it exceeds the amount required for the satisfaction of unsecured debts. Net property means the amount which would, were it not for this provision, be available to floating charge holders out of floating charge assets (i.e. after accounting for preferential debts and the costs of realising the floating charge assets). The prescribed part of the Company's net property is calculated by reference to a sliding scale as follows:

	50% of the first £10,000 of net property
ū	20% of net property thereafter;

Up to a maximum amount to be made available of £600,000 

A liquidator will not be required to set aside the prescribed part of net property if

- the net property is less than £10,000 and the liquidator thinks that the cost of distributing the prescribed part would be disproportionate to the benefit; (Section 176A(3)) or
- the liquidator applies to the court for an order on the grounds that the cost of distributing the prescribed part would be disproportionate to the benefit and the court orders that the provision shall not apply (Section 176A(5)).

Currently, the Company's net property, as defined in Section 176A(6) of the Act, is £nil and the prescribed part of the Company's net property to be £nil.

On present information we do not intend to make an application to court under Section 176A(5) of the Act for an order not to distribute the prescribed part of net property to the unsecured creditors. However, we reserve our position generally in this regard should circumstances materially change.

## REMUNERATION & DISBURSEMENTS

#### Remuneration

Our remuneration has been fixed by a decision of the creditors on 25 June 2018 obtained via a Decision Procedure by way of correspondence by reference to the time properly given by us (as Liquidators) and the various grades of our staff calculated at the prevailing hourly charge out rates of Begbies Traynor (Central) LLP in attending to matters arising in the winding up as set out in the fees estimate dated 5 June 2018 in the sum of £17,420 and we are authorised to draw disbursements for services provided by our firm and/or entities within the Begbies Traynor group, in accordance with our firm's policy, which is attached at Appendix 2 of this report.

Our time costs for the period from 17 May 2018 to 16 May 2019 amount to £5,941 which represents 25.1hours at an average rate of £236.69 per hour.

The following further information in relation to our time costs and disbursements is set out at Appendix 2:

- ☐ Time Costs Analysis for the period 17 May 2018 to 16 May 2019
- □ Begbies Traynor (Central) LLP's charging policy

To 16 May 2019, we have not drawn any sums on account of our remuneration as there are no funds in the estate.

#### **Time Costs Analysis**

The Time Costs Analysis for the period of this report attached at Appendix 2 shows the time spent by each grade of staff on the different types of work involved in the case, and gives the total costs and average hourly rate charged for each work type.

Please note that the analysis provides details of the work undertaken by us and our staff following our appointment only

As can be seen from the information above, and the Time Costs Analysis, our fees estimate has not been exceeded. We are pleased to report that we do not anticipate that it is likely to be exceeded if matters progress to conclusion as envisaged.

#### Work undertaken prior to appointment

In addition to the post appointment time costs detailed in the Time Costs Analysis, the costs relating to work undertaken prior to our appointment in assisting with the preparation of the statement of affairs and seeking the decisions of creditors on the nomination of liquidators were paid prior to the liquidation from funds deposited by Palio and Aberdeen on a 50:50 basis.

#### Disbursements

To 16 May 2019, we have not drawn any disbursements.

#### Category 2 Disbursements

We have not drawn any category 2 disbursements.

A copy of 'A Creditors' Guide to Liquidators Fees (E&W) 2017' which provides guidance on creditors' rights on how to approve and monitor a Liquidator's remuneration and on how the remuneration is set can be obtained online at <a href="https://www.begbies-traynor.com/creditorsguides">www.begbies-traynor.com/creditorsguides</a> Alternatively, if you require a hard copy of the Guide, please contact our office and we will arrange to send you a copy.

### LIQUIDATORS' EXPENSES

A statement of the expenses incurred during the period of this progress report is attached at Appendix 3.

#### Expenses actually incurred compared to those that were anticipated

Creditors will recall that we estimated that the expenses of the liquidation would total £1,304. That estimate has not been exceeded and we do not expect it to be exceeded if matters progress to conclusion as envisaged.

# 8. ASSETS THAT REMAIN TO BE REALISED AND WORK THAT REMAINS TO BE DONE

What work remains to be done, why is this necessary and what financial benefit (if any) will it provide to creditors?

#### General case administration and planning

The case will be administered while it remains open and all banking, filing and administrative tasks will be carried out accordingly.

#### Compliance with the Insolvency Act, Rules and best practice

The Liquidators will ensure that the case is dealt with in such a way that complies with the Act and the Rules. Periodic compliance reviews will be carried out by the liquidators to ensure the same.

#### Investigations

The liquidators will conclude their investigations into the affairs of the Company and will seek to challenge any transactions that are worthy of being overturned for the benefit of the creditors of the Company.

If any creditors have any matters that they wish to bring to the attention of the Liquidators, then please do so in writing by sending details to the Liquidators' office.

#### Realisation of assets

The Liquidators will take receipt of any dividends that are paid from the liquidation estate of PFIC and these will be distributed up to the creditors of the Company.

Dealing with all creditors' claims (including employees), correspondence and distributions

The Liquidators will adjudicate upon creditor claims if and when a distribution is to be made to creditors from the estate

Other matters which includes seeking decisions from creditors (via Deemed Consent Procedure and/or Decision Procedure, tax, litigation, pensions and travel

We will also continue to liaise with creditors throughout the duration of the liquidation and seek their approval on decisions where necessary.

#### How much will this further work cost?

We anticipate that this further work will cost circa £10,000 - £15,000.

#### **Expenses**

Details of the expenses that we expect to incur in connection with the work that remains to be done referred to above are as set out in the estimate of anticipated expenses sent to creditors on 5 June 2018 which included all of the expenses that we anticipate that we will incur throughout the liquidation.

### OTHER RELEVANT INFORMATION

#### Investigations and reporting on directors conduct

You may be aware that a liquidator has a duty to enquire into the affairs of an insolvent company to determine its property and liabilities and to identify any actions which could lead to the recovery of funds. In addition, a liquidator is also required to consider the conduct of the Company's directors and to make an appropriate submission to the Department for Business Energy and Industrial Strategy. We can confirm that we have discharged our duties in these respects.

#### Connected party transactions

We have not been made aware of any sales of the Company's assets to connected parties.

#### Use of personal information

Please note that in the course of discharging our statutory duties as liquidators, we may need to access and use personal data, being information from which a living person can be identified. Where this is necessary, we are required to comply with data protection legislation. If you are an individual and you would like further information about your rights in relation to our use of your personal data, you can access the same at https://www.begbiestraynorgroup.com/privacy-notice If you require a hard copy of the information, please do not hesitate to contact us.

## 10. CREDITORS' RIGHTS

#### Right to request further information

Pursuant to Rule 18.9 of the Rules, 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, including that creditor, (or an unsecured creditor with less than 5% in value of the unsecured creditors, but with the permission of the court) may request in writing that we provide further information about our remuneration or expenses which have been incurred during the period of this progress report.

#### Right to make an application to court

Pursuant to Rule 18.34 of the Rules, any secured creditor or any unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors including that creditor, (or any unsecured creditors with less than 10% in value of the unsecured creditors, but with the permission of the court) may, within 8 weeks of receipt of this progress report, make an application to court on the grounds that the remuneration charged or the expenses incurred during the period of this progress report are excessive or, the basis fixed for our remuneration is inappropriate.

11/CONCLUSION

We will report again in approximately twelve months time or at the conclusion of the liquidation, whichever is the sooner.

Simon Killick Jøint Liquidator

Dated: 10 July 2019

# ACCOUNT OF RECEIPTS AND PAYMENTS

Period: 17 May 2018 to 16 May 2019

## PFI Camden (Holdings) Limited (In Liquidation) Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £		From 17/05/2018 To 16/05/2019 £	From 17/05/2018 To 16/05/2019 £
	SECURED ASSETS		
NIL	Investment in Subsidiary	NIL	NIL
MIL	investment in Subsidiary	NIL	NIL
	SECURED CREDITORS	NIL	NIL
(2.200.055.00)		AIII	NIII
(2,200,855.00)	Bank of Scotland	NIL NII	NIL
	ACCET DEALIGATIONS	NIL	NIL
	ASSET REALISATIONS		
Uncertain	Book Debts	NIL NIL	NIL
		NIL	NIL
	UNSECURED CREDITORS		
(8,748,000.00)	Trade Creditors	NIL_	NIL
		NIL	NIL
	DISTRIBUTIONS		
(1.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
(40.040.050.00)			
(10,948,856.00)	REPRESENTED BY	NIL	NIL
			NIL
			/

IPS SQL Ver 2012 10

Note:

11 July 2019 13 45

Simon John Killick Joint Liquidator

## TIME COSTS AND DISBURSEMENTS

- a. Begbies Traynor (Central) LLP's charging policy;
- b. Time Costs Analysis for the period from 17 May 2018 to 16 May 2019

#### **BEGBIES TRAYNOR CHARGING POLICY**

#### INTRODUCTION

This note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to draw remuneration on the basis of the time properly spent in dealing with the case. It also applies where further information is to be provided to creditors regarding the office holder's fees following the passing of a resolution for the office holder to be remunerated on a time cost basis. Best practice guidance<sup>1</sup> requires that such information should be disclosed to those who are responsible for approving remuneration.

In addition, this note applies where creditor approval is sought to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. It also applies where payments are to be made to parties other than the firm, but in relation to which the office holder, the firm or any associate has an interest. Best practice guidance<sup>2</sup> indicates that such charges should be disclosed to those who are responsible for approving the office holder's remuneration, together with an explanation of how those charges are calculated.

#### OFFICE HOLDER'S FEES IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

The office holder has overall responsibility for the administration of the estate. He/she will delegate tasks to members of staff. Such delegation assists the office holder as it allows him/her to deal with the more complex aspects of the case and ensures that work is being carried out at the appropriate level. There are various levels of staff that are employed by the office holder and these appear below.

The firm operates a time recording system which allows staff working on the case along with the office holder to allocate their time to the case. The time is recorded at the individual's hourly rate in force at that time which is detailed below.

#### EXPENSES INCURRED BY OFFICE HOLDERS IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

Best practice guidance classifies expenses into two broad categories:

- □ Category 1 disbursements (approval not required) specific expenditure that is directly related to the case and referable to an independent external supplier's invoice. All such items are charged to the case as they are incurred.
- Category 2 disbursements (approval required) items of expenditure that are directly related to the case which include an element of shared or allocated cost and are based on a reasonable method of calculation, but which are not payable to an independent third party.
  - (A) The following items of expenditure are charged to the case (subject to approval):
    - Internal meeting room usage for the purpose of statutory meetings of creditors is charged at the rate of £100 per meeting:
    - Car mileage is charged at the rate of 45 pence per mile;
    - Storage of books and records (when not chargeable as a Category 1 disbursement) is charged
      on the basis that the number of standard archive boxes held in storage for a particular case
      bears to the total of all archive boxes for all cases in respect of the period for which the storage
      charge relates

<sup>2</sup> lbid 1

Statement of Insolvency Practice 9 (SIP 9) - Remuneration of insolvency office holders in England & Wales

Expenses which should be treated as Category 2 disbursements (approval required) — in addition to the two categories referred to above, best practice guidance indicates that where payments are to be made to outside parties in which the office holder or his firm or any associate has an interest, these should be treated as Category 2 disbursements.

#### **BEGBIES TRAYNOR CHARGE-OUT RATES**

Begbies Traynor is a national firm. The rates charged by the various grades of staff that may work on a case are set nationally, but vary to suit local market conditions. The rates applying to the London West office as at the date of this report are as follows:

Grade of staff	Charge-out rate (£ per hour) 1 December 2018 – until further notice
Partner	495
Director	445
Senior Manager	395
Manager	345
Assistant Manager	250
Senior Administrator	225
Administrator	175
Junior Administrator	140
Support	140
• •	

Prior to 1 December 2018, the following rates applied.

Grade of staff	Charge-out rate (£ per hour)
Partner	395
Director	345
Senior Manager	310
Manager	265
Assistant Manager	205
Senior Administrator	175
Administrator	135
Junior Administrator	110
Support	60 - 110

Time spent by support staff such as secretarial, administrative and cashiering staff is charged directly to cases. It is not carried as an overhead.

Time is recorded in 6 minute units.

SIP9 PFI Camden (Holdings) Limited - Creditors Voluntary Liquidation - 01PF006.CVL: Time Costs Analysis From 17/05/2018 To 16/05/2019

Staff Grade		ConsultantPartner	Director	Sar Magr	Mngr	Asst Mngr	Sur Admin	Admin	Jnr Admin	Support	Total Hours Time Cost £		Average hourly rate £
General Case Administration and Planning	Case planning												000
	Administration		27	42		57			0.4	90	13.5	3,501 00	EE 852
	Yotal for General Case Administration and Planning:	-	73	7		2.7			70		13.5	3,501.00	258.33
Compliance with the insolvency Act, Rules and best	Appointment					S G			80		63	1,215.50	192 94
practice	Banking and Bonding								90		90	85.00	110.00
	Case Closure											<u> </u>	000
	Statutory reporting and statement of affairs		0.5								90	17250	345 00
	Total for Compliance with the Insolvency Act, Rules and best practice:		0.5			25.52			1.3	* 1,11 *		1,443.00	197.67
Investigations	CDDA and investigations		0.4			23					27	609 50	225 74
	Total for investigations:		970			2.3					1.7	609.30	225.74
Realisation of assets	Debt collection												00.0
	Property, business and asset sales								0.7		20	27 00	110 00
	Retembon of Title/Third party assets												800
	Total for Realisation of essets:								. 4.0		7.0	77.00	110.00
Trading	Tracking												000
	Total for Trading:												0.00
Dealing with all creditors claims (including employees),	Secured												000
correspondence and distributions	Others		60								60	310 50	345.00
	Creditors committee	-											000
	Total for Dealing with all creditors claims (including employees), correspondence and distributions:		<b>6</b> '0	* *******	4 3		·	,,,	\$ /* ·	4	60	310.50	345.00
Other matters which includes seeking decisions of creditors.	Seeking decisions of creditors												000
meetings, tax, litigation, pensions and travel	Meetings												000
	Other												000
	Тах												000
	Litigation												000
	Total for Other matters:				4.	^	·		÷			:	0,00
	Total hours by staff grade		4.5	4.2		13.5			2.4	0,5	25.1		
	Total time cost by staff grade		1,552.50	1,302.00		2,767.50			284.00	95.00		5,941.00	
	Average hourly rate £	00 0	345.00	310 00	00'0	205.00	00 0	900	110 00	110.00			236 69
	Total fees drawn to date £											000	

## STATEMENT OF EXPENSES

Type of expense	Name of party with whom expense incurred	Amount incurred	Amount discharged	Balance (to be discharged)
		£	£	£
	with entities <b>not</b> within the B		roup	
Statutory advertising	EPE Reynell	216	-	216
Bond	AUA Insolvency Risk Services	18	-	18
Expenses incurred variety of the Traynor Charging P	with entities within the Begb colicy)	es Traynor Group	(for further details	s see Begbies
None				