

CVA3

Notice of supervisor's progress report in voluntary arrangement



Companies House

WEDNESDAY



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A28

04/09/2019

#99

COMPANIES HOUSE

1 Company details

Company number 0 5 8 7 5 3 0 8

Company name in full White Rock Engineering Services Ltd

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

2 Supervisor's name

Full forename(s) Nedim

Surname Ailyan

3 Supervisor's address

Building name/number 142-148 Main Road

Street Sidcup

Post town Kent

County/Region

Postcode D A 1 4 6 N Z

Country

4 Supervisor's name ^①

Full forename(s)

Surname

① Other supervisor
Use this section to tell us about
another supervisor.

5 Supervisor's address ^②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other supervisor
Use this section to tell us about
another supervisor.

CVA3

Notice of supervisor's progress report in voluntary arrangement

6	Date of voluntary arrangement															
Date	^d	1	^d	9	^m	0	^m	1	^y	2	^y	0	^y	1	^y	8
7	Period of progress report															
Date from	^d	1	^d	9	^m	0	^m	1	^y	2	^y	0	^y	1	^y	8
Date to	^d	1	^d	8	^m	0	^m	1	^y	2	^y	0	^y	1	^y	9
8	Progress report															
<input checked="" type="checkbox"/> I attach a copy of the progress report																
9	Sign and date															
Supervisor's signature	<div>Signature</div> <div>X</div> <div>X</div>															
Signature date	^d	1	^d	3	^m	0	^m	2	^y	2	^y	0	^y	1	^y	9

**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 **Carol Hooper**

Company name **Abbott Fielding Limited**

Address **142-148 Main Road**

Sidcup

Post town **Kent**

County/Region

Postcode

D A 1 4 6 N Z

Country

DX

Telephone **020 8302 4344**

**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

**WHITE ROCK ENGINEERING SERVICES LTD
COMPANY VOLUNTARY ARRANGEMENT
HIGH COURT OF JUSTICE - NO. 9817 OF 2017**

SUPERVISOR'S REPORT TO CREDITORS ON THE PROGRESS OF THE ARRANGEMENT

INTRODUCTION

The voluntary arrangement was approved on 19 January 2018 and I was appointed Supervisor.

Attached is my receipts and payments account for the 12 months ended 18 January 2019.

COMMENTS ON RECEIPTS AND PAYMENTS

Debtor contributions

Under the (modified) terms of the arrangement White Rock Engineering Services Ltd is scheduled to make 60 consecutive monthly contributions of £5,800, rising as reviews allow.

The terms of the proposals require me to conduct a trading review annually however I am currently awaiting the necessary information to complete this review.

I have received total contributions of £59,200. The Company fell behind in its payments and agreed to make additional contributions over a period of 4 months to bring the contributions up to date, whilst additional contributions have been received the company remains £10,400 in arrears.

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

Bank Interest

I have received gross bank interest of £31.59 on the funds held in the estate bank account.

CREDITOR CLAIMS

	As per Proposals	Lodged to Date
	£	£
Unsecured	323,414	398,877.77

This includes a claim of £32,946 from the Company's bank however it was understood that this was within agreed credit limits and the bank would continue to provide funding relying on guarantees. I can advise that although we were contacted by another potential creditor we have not received a claim in this regard.

I can advise that creditor's claims amount to 10% greater than the anticipated claims. The terms of the arrangement required a minimum dividend of 100p in the £. It will be necessary for additional contributions to be made to ensure that the minimum dividend is payable and I will be discussing this with the directors.

OFFICE HOLDER'S REMUNERATION

Under the terms of the proposal my remuneration as Nominee as a fixed fee of £5,000.

Under the terms of the proposal my remuneration as Supervisor is to be calculated on a time cost basis estimated to be £15,000. I have drawn supervisor's remuneration of £2,000 in the period covered by this report.

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My total time costs to 18 January 2019 amount to £2,918.00, which have been charged at an average charge out rate of £272.71. I have drawn £2,000 to date. A schedule of my time costs incurred to date is attached.

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.
2. Cashiering
 - Maintaining and managing the Supervisor's cashbook and bank account.
 - Ensuring statutory lodgements are met.
3. Creditors
 - Dealing with creditor correspondence and telephone conversations.
 - Preparing reports to creditors.
 - Maintaining creditor information on the case management system.
 - Reviewing and adjudicating on proofs of debt received from creditors.
4. Realisation of Assets
 - Corresponding with directors and collecting payments.

This work was necessary to administer the voluntary arrangement. Some of the work was required by statute and regulatory guidance, but it contributes to the payment of dividends to creditors and the conclusion of this arrangement. I think that this shows that the fee paid to the Supervisor is a fair and reasonable reflection of the work carried out.

During the course of the year I have taken the necessary steps to discharge my duties as supervisor in accordance with the terms of the arrangement. This includes monitoring for receipt of the company's contributions and lodging creditors' claims. I can advise that I have also liaised with the directors regarding arrears in contributions.

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/>. A copy of 'A Creditors Guide to Voluntary Arrangement Fees' can be obtained from our website at <http://www.abbottfielding.co.uk/information-for-creditors>. Please note that there are different versions and in this case you should refer to the April 2017 version. A hard copy can also be obtained on request from this office.

An explanatory note which shows Abbott Fielding's practice fee recovery policy is attached to the report.

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OFFICE HOLDER'S EXPENSES

I have incurred expenses of £7.90 as Nominee.

I have incurred expenses as Supervisor to 18 January 2019 of £1,042.55.

I have drawn £1,050.45 to date.

Details of the expenses incurred as Nominee and in the period since my appointment as Supervisor are as follows:

Type of expenses	Amount incurred/accrued prior to appointment £
Nominee	
Postage	7.90
Supervisor	
Bond and Insurance	1,040.00
Postage	2.55
Total Supervisor	1,042.55
Total	1,050.45

MATTERS OUTSTANDING

- 1 Arrears: White Rock Engineering Services Ltd missed contributions during the course of the last 12 months, but has only partially since brought the payments up to date.
- 2 Agreement of claims. Any creditor who has not yet submitted a claim should now do so as soon as possible to enable me to pay the first distribution.
- 3 Dividend: Under the terms of the agreed modifications the supervisor is to pay dividends annually and I will be issuing a notice separately in this regard.
- 4 Breach: In accordance with the terms of the arrangement a notice of breach will be issued in regard to contribution arrears.

PROGRESS AND PROSPECTS FOR THE FULL IMPLEMENTATION OF THE ARRANGEMENT

The modified arrangement requires a minimum dividend of 100p in the £. As noted above if the Company fails to rectify the breach, I am required to fail the arrangement and petition for the winding up of the Company.


Nedim Ailyan
Supervisor

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White Rock Engineering Services Ltd
(Under a Voluntary Arrangement)
Supervisor's Summary of Receipts and Payments
To 18 January 2019

RECEIPTS	Statement of Affairs (£)	Total (£)
Plant & Machinery	1,000.00	0.00
Stock/WIP	Uncertain	0.00
Book Debts	169,769.00	0.00
Cash at Bank	813.00	0.00
Debtor Contributions		59,200.00
Bank Interest Gross		31.59
		<hr/>
		59,231.59
		<hr/>

PAYMENTS

Preparation of S. of A.		5,000.00
Office Holders Fees		2,000.00
Office Holders Expenses		1,050.45
Employee Arrears/Hol Pay	(4,407.00)	0.00
Employees	(58,526.00)	0.00
Directors	(138,426.44)	0.00
Banks/Institutions	(24,842.18)	0.00
HM Revenue and Customs - PAYE / NIC	(20,527.82)	0.00
HM Revenue and Customs - VAT	(302,885.70)	0.00
Ordinary Shareholders	(100.00)	0.00
		<hr/>
		8,050.45
Net Receipts/(Payments)		51,181.14
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MADE UP AS FOLLOWS

Interest Bearing Estate Account	51,181.14
	<hr/>
	51,181.14
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SIP 9 - Time & Cost Summary

Period: 19/01/18..18/01/19

Time Summary

Hours						Time Cost (£)	Average hourly rate (£)
Classification of work function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & planning	0.00	6.20	0.00	2.60	8.80	2,386.00	271.14
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisations of assets	0.00	1.20	0.00	0.00	1.20	336.00	280.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.70	0.00	0.00	0.70	196.00	280.00
Case specific matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	0.00	8.10	0.00	2.60	10.70	2,918.00	272.71
Total Fees Claimed						2,000.00	

PROOF OF DEBT
under rule 14.4 of The Insolvency (England and Wales) Rules 2016

White Rock Engineering Services Ltd ("the Company") - In Company Voluntary Arrangement

Decision Date: 19 January 2019.

1	Name of creditor:	
2	Address of creditor:	
3	<p>Claim, including VAT, as at date of Liquidation: £</p> <p>Less: any payments made after that date in relation to the claim; any deduction for discounts (except a discount for immediate or early settlement) which would have been available but for the insolvency proceedings; and any adjustment as a result of set-off £</p> <p>Total claim, including VAT £</p>	
4	The amount of any uncapitalised interest that is include in the claim, if any.	£
5	Particulars of how and when the debt was incurred	
6	<p>Please provide details of any documents by which debt can be substantiated:</p> <p><i>(Notes - copies need not be supplied unless specifically requested by the office holder)</i></p>	
7	Particulars and value of any security held and the date it was given:	
8	<p>Signature of creditor or authorised person:</p> <p>NAME, IN BLOCK LETTERS:</p> <p>Creditor's reference:</p>	
9	<p>Position or relationship with creditor:</p> <p><i>(eg, director, accountant, credit controller etc)</i></p>	

Guidance notes re preferential debts:

For claims arising in insolvencies commencing on or after 15 September 2003 the categories of preferential debts under section 386(1) of the Insolvency Act 1986, are as follows:

- (a) pension scheme contributions;
- (b) remuneration etc of employees;
- (c) levies on coal and steel production.

VAT bad debt relief

The provisions of the Finance Act 1990, came into effect on 26 July 1990, and introduced changes in the way that VAT on bad debts is recovered.

Your claim overleaf must be quoted inclusive of VAT. You may claim relief on your VAT return when the debt is at least six months old and has been written off. This system can also be applied to debts for any supplies made between 1 April 1989, and 25 July 1990, and such debts must be claimed gross overleaf. Any dividend you receive in respect of this claim will include payment in respect of the VAT element of your debt and you will be responsible for declaring such VAT to HM Customs & Excise.

PRACTICE FEE RECOVERY POLICY FOR ABBOTT FIELDING LIMITED

Introduction

The insolvency legislation was changed in April 2010 for insolvency appointments commenced from that time in order to allow more flexibility on how an office holder's fees are charged to a case. This sheet explains how we may apply the alternative fee bases. The legislation now allows different fee bases to be used for different tasks within the same appointment. The basis or combination of bases set for a particular appointment are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the Court. Further details about how an office holder's fees are approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP 9) and can be accessed at www.abbottfielding.co.uk/information-for-creditors/. Alternatively a hard copy may be requested from Abbott Fielding of 142-148 Main Road, Sidcup, Kent DA14 6NZ.

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee and also to each creditor. The report will provide a breakdown of the remuneration drawn and time costs incurred and will also enable the recipients to see the average rates of such costs. Under the legislation, any such report must disclose how creditors can seek further information and challenge the basis on which the fees are calculated and the level of fees drawn in the period of the report. Once the time to challenge the office holder's remuneration for the period reported on has elapsed, then that remuneration cannot subsequently be challenged.

Under the old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

Time cost basis

This is the basis that we use in the majority of cases and we use charge out rates appropriate to the skills and experience of a member of staff and the work that they perform. This is combined with the amount of time that they work on each case, recorded in 6 minute units with supporting narrative to explain the work undertaken.

Chargeout Rates

Grade of staff	Current charge-out rate per hour, effective from 1 February 2019 £	Previous charge-out rate per hour, effective from 1 February 2016 £
Partner – appointment taker	375-540	365-520
Manager	300-390	280-370
Administrators	200-290	190-280
Support Staff	200-240	190-220

These charge-out rates charged are reviewed on an annual basis and are adjusted to take account of inflation and the firm's overheads.

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. Each unit of time is 6 minutes. The work is recorded under the following categories:

- Administration and Planning.
- Investigations.
- Realisation of Assets.
- Employee matters.
- Creditors.
- Trading.

Percentage basis

The legislation now allows fees to be charged on a percentage of the value of the property with which the office holder has to deal. Different percentages can be used for different assets or types of assets. Where we would like to realise any asset or type of assets on a percentage basis we will provide further information explaining why we think that this basis is appropriate and ask creditors to approve the basis.

Fixed fee

The legislation now allows fees to be charged at a set amount. Different set amounts can be used for different tasks. Where we would like to charge a set amount for a task or different set amounts for different tasks we will provide further information explaining why we think that this basis is appropriate and ask creditors to approve the basis.

All bases

With the exception of Individual Voluntary Arrangements and Company Voluntary Arrangements which are VAT exempt, the officeholder's remuneration invoiced to the insolvent estate will be subject to VAT at the prevailing rate.

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 SIP 9 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 expenses are directly referable to an invoice from a third party, which is either in the name of the estate or Abbott Fielding Limited; in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the estate. These disbursements are recoverable in full from the estate 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. Examples of category 1 disbursements are statutory advertising, external meeting room hire, external storage, specific bond insurance and Company search fees.

Category 2 expenses are incurred by the firm and recharged to the estate; they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full from the estate, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of category 2 disbursements are photocopying, internal room hire, internal storage and mileage.

It is proposed that the following Category 2 disbursements are recovered:

Mileage	50p per mile
Photocopying	10p per sheet