

# WU07

## Notice of progress report in a winding-up by the court



Companies House

For further information, please  
refer to our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

### 1 Company details

Company number 06314608

Company name in full REFRESH RECOVERY LIMITED

#### → Filling in this form

Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) CHRISTOPHER

Surname WOOD

### 3 Liquidator's address

Building name/number NEW CHARTFORD HOUSE

Street CENTURION WAY

Post town CLECKHEATON

County/Region WEST YORKSHIRE

Postcode BD193QB

Country

### 4 Liquidator's name ①

Full forename(s) STEVEN GEORGE

Surname HODGSON

#### ① Other liquidator

Use this section to tell us about  
another liquidator.

### 5 Liquidator's address ②

Building name/number NEW CHARTFORD HOUSE

Street CENTURION WAY

Post town CLECKHEATON

County/Region WEST YORKSHIRE

Postcode BD193QB

Country

#### ② Other liquidator

Use this section to tell us about  
another liquidator.

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**6** Period of progress report

From date	<sup>d</sup> 2	<sup>d</sup> 3	<sup>m</sup> 0	<sup>m</sup> 4	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0
To date	<sup>d</sup> 2	<sup>d</sup> 2	<sup>m</sup> 0	<sup>m</sup> 4	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 1

**7** Progress report

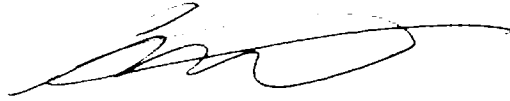
☒ The progress report is attached

**8** Sign and date

Liquidator's signature

Signature

X



X

Signature date

<sup>d</sup> 1	<sup>d</sup> 1	<sup>m</sup> 0	<sup>m</sup> 5	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 1
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**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

SCOTT SHAW

Company name

BHP CORPORATE SOLUTIONS LLP

Address

NEW CHARTFORD HOUSE

CENTURION WAY

Post town

CLECKHEATON

County/Region

WEST YORKSHIRE

Postcode

B

D

1

9

3

Q

B

Country

DX

Telephone

0333 456 0078



**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.



**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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)



**REFRESH RECOVERY LIMITED  
(IN COMPULSORY LIQUIDATION)**

**Court: High Court of Justice, Business and Property Courts in Leeds, Insolvency  
and Companies List (ChD)  
Case Number: CR-2018-000598**

**Annual Progress Report to Creditors pursuant to  
Section 104A of the Insolvency Act 1986 and Rules 18.3, 18.4  
and 18.8 of the Insolvency (England and Wales) Rules 2016**

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**Private & Confidential**

**(This Report is for use by the Members and Creditors of the Company only and must not be published  
or provided to any other party without the written permission of BHP Corporate Solutions LLP)**

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**BHP Corporate Solutions LLP  
New Chartford House  
Centurion Way  
Cleckheaton  
West Yorkshire  
BD19 3QB**

**10 May 2021**

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## **Appendices**

- 1) Receipts and Payments account for the period from 23 April 2020 to 22 April 2021
- 2) Analysis of time costs for the period from 23 April 2020 to 22 April 2021
- 3) Statement of Expenses for the period from 23 April 2020 to 22 April 2021
- 4) Joint Liquidators' charge out rates and disbursements policy

## STATUTORY INFORMATION

Company Name:	Refresh Recovery Limited
Court:	High Court of Justice, Business and Property Courts in Leeds, Insolvency and Companies List (ChD)
Case Number:	CR-2018-000598
Registered Number:	06314608
Registered Office:	New Chartford House, Centurion Way, Cleckheaton, West Yorkshire, BD19 3QB
Former Registered Office/ Trading Address:	33 Cockton Hill Road, Bishop Auckland, County Durham, DL14 6HS
Joint Liquidators' Names:	Christopher Wood Steven George Hodgson
Joint Liquidators' Firm:	BHP Corporate Solutions LLP
Joint Liquidators' Address:	New Chartford House, Centurion Way, Cleckheaton, West Yorkshire, BD19 3QB
Date of Petition Application:	14 February 2020
Date of Winding Up Order:	2 March 2020
Date of Appointment:	23 April 2020
Period of Report:	23 April 2020 to 22 April 2021

## INTRODUCTION

The purpose of this report is to detail the acts and dealings of the Joint Liquidators of Refresh Recovery Limited ("the Company"), company number 06314608, for the period from 23 April 2020 to 22 April 2021.

## BACKGROUND

Steven George Hodgson and I were appointed as Joint Liquidators on 23 April 2020, following the making of a Winding Up Order against the Company on 2 March 2020 upon the petition of Paul Martin Halligan, who was previously the Administrator of the Company.

Live Recoveries of Wentworth House, 122 New Road Side, Horsforth, Leeds LS18 4QB were the former Administrators of the Company and they had been appointed on 28 June 2018. Creditors resolved that Mr Halligan should end the Administration on 21 January 2020 and this took effect from 2 March 2020, when the Company was wound up.

The Company's principal activity was operating as Insolvency Practitioners.

## **ASSET REALISATIONS**

According to the original Official Receiver's observations lodged in these proceedings, the assets of the Company had an estimated value of £NIL.

### **Cash at Bank**

During the Administration, the Administrator had collected the cash at Bank of £18,212.38 from the Company's Bank account with National Westminster Bank plc.

### **Book Debts**

In addition, the Company's statement of affairs detailed book debts that were estimated to realise £3,000. Ultimately, £10,868.28 was realised in the Administration from the Company's book debts.

In addition to the above realisations, I was contacted by Goldsmith Bowers who advised that they were pursuing some book debts on the Company's behalf. I can confirm that £2,603.15 has been realised in respect of these debts. It is unknown if any further debts will be received from Goldsmith Bowers at this time.

### **Work In Progress**

The Company also had some Work In Progress ("WIP") that was quantified as unknown in the statement of affairs. The former Administrator had obtained a schedule of the WIP and it was established that the insolvency cases detailed on the schedule had been transferred to Peter Harold of OBS Recovery Limited ("OBS") prior to the former Administrator's appointment.

Mr Harold was a connected party by virtue of his former employment with the Company as an appointment taking insolvency practitioner. He is also a director of OBS.

The former Administrator located an invoice for the WIP and this created a book debt in the Company's books and records.

The information retrieved by the former Administrator was insufficient, however, to enable a judgment to be made on the fair value of the WIP but I am continuing to monitor the cases that were transferred to OBS to ascertain if this transaction was at an undervalue.

I can confirm that £29,398.80 has been realised to date in respect of the WIP sale. Due to the uncertainty surrounding the fair value of the WIP that was transferred, it is unknown if any further realisations will be made from this asset.

### **Motor Vehicles**

A Honda CRV was sold for £3,500 by the former Administrator. This sale was ratified by Michael Steel & Co and no further investigation will be required for this sale.

The former Administrator advised that the Company also purchased a Mercedes Vito van and that this vehicle was transferred to a Director of the Company for no consideration. The Company's purpose for purchasing the vehicle remains unknown and my enquiries are ongoing regarding this matter as the Director informed the former Administrator that the vehicle was in lieu of outstanding wages and was effected at a time when the Company was not insolvent. The vehicle had previously been valued on a desktop basis at £8,525.

The former Administrator also advised that the Company was in possession of two vehicles that were subject to finance, namely, a Porsche Panamera and a Jaguar F Type. The former Administrator was of the belief that the Jaguar had been written off but no confirmation has been received of this and no associated claim has been received by the finance company.

The Porsche Panamera was also believed to be in negative equity and because of a personal guarantee that was in held against one of the Directors of the Company, the agreement was allegedly transferred into the Director's own name. However, no confirmation of this has been received from the finance company and my enquiries are ongoing.

#### **Fixtures & Fittings, Office Furniture and IT Equipment**

The former Administrator advised that the Company had a small quantity of fixtures & fittings, office furniture and IT equipment that were allegedly transferred to a Company Director in lieu of outstanding wages. £500 was subsequently received from OBS for these assets and it is not believed that any amounts will be realised in the Liquidation from these assets.

#### **Cherished Plates**

The Company also owned three cherished number plates, namely:

GO13 UMP  
GO13 UST  
GO13 ANG

The former Administrator's agents advised that these plates were of negligible value and that it was not cost effective to pursue these items further.

#### **Directors' Loan Accounts**

In the investigation carried out by the former Administrator, a number of significant transactions were identified totalling £125,485.17, where monies were paid from the Company to the Directors, predominantly in the six-week period prior to the Administration.

The Directors believe that their Loan Accounts should be in credit and therefore, my investigations into the above payments are ongoing.

#### **Funds Held By Former Administrator**

Shortly after my appointment as Joint Liquidator of the Company, the former Administrator paid £7,033.65 in respect of the funds they were holding in respect of the Company.

I have made further enquiries of the former Administrator as it may be that some of these monies relate to unclaimed dividends where the Company Directors were office holders.

Once clarification is obtained on these monies, I will provide further information to creditors as it may be that the funds have to be paid into the Insolvency Service Unclaimed Dividend Account or returned to the office holder to deal with.

#### **Bank Interest**

Bank interest of £14.36 has been realised in the period of this report.

## **RELATED PARTY TRANSACTIONS**

Since the date of the making of the Winding Up Order on 2 March 2020, the Joint Liquidators are not aware of any transactions with related parties in this matter.

## **INVESTIGATIONS**

An initial investigation into the Company's affairs has been undertaken to establish whether there were any potential asset recoveries or conduct matters that justified further investigation.

I am continuing to liaise with my solicitors, Schofield Sweeney, regarding the potential points of claim and I hope to be in a position to provide further information to creditors in my next report.

It should be noted that shortly after my appointment was confirmed, I was informed that one of the Directors was suffering from ill health and that he was not currently in a fit enough condition to deal with the Joint Liquidators' enquiries.

I am continuing to monitor the position and hope to be in a position to progress matters in the near future.

## **CREDITORS' CLAIMS**

A creditor's guide to insolvency can be found at [www.creditorinsolvencyguide.co.uk](http://www.creditorinsolvencyguide.co.uk).

### **Secured Creditors**

The secured creditors shown on the original Official Receiver's Observations were £37,000. This amount related to a fixed and floating charge that was granted in favour of PRT Public Houses Limited ("PRT") on 16 February 2018. It is not yet known why this charge was granted to PRT. The former Administrator sought legal advice on the validity of the charge which confirmed the charge was valid but my enquiries into this charge are ongoing.

### **Preferential Creditors**

The Insolvency Service (Department of Employment) have, to date, submitted a proof of debt form in the sum of £2,117.19.

### **Unsecured Creditors**

The unsecured creditors shown on the original Official Receiver's observations were £162,405.20. Numerous proof of debt forms have been received from unsecured creditors which total £854,221.26 and the details have been noted on my files.

It should be noted that I have received claims from the Company Directors totalling £435,350.50. I have not reviewed these claims in detail as yet as the asset/dividend position remains uncertain, but these claims were not initially outlined in the Official Receiver's observations.

In addition, a claim of £200,001 has been received from S2A Premier Brokers Limited which was not detailed in the Official Receiver's observations.

## **DIVIDEND PROSPECTS**

Pursuant to Section 176A of the Insolvency Act 1986 where a floating charge is created on or after 15 September 2003, a prescribed part of the Company's net property shall be made available to unsecured creditors. As the floating charge was created on 16 February 2018, a prescribed part calculation is appropriate in this case.

The prescribed part is calculated as a percentage of net property, as follows:

50% of the first £10,000 of the net property; and  
20% of the remaining net property up to a maximum of £600,000.

The maximum value of the ring-fenced proportion of the funds, known as the "prescribed part", is £600,000.

The value of the prescribed part is currently unknown due to the uncertainty surrounding the future realisations in this case. The prescribed part figure is dependent on future costs, expenses and realisations and will not be quantified precisely until later in the proceedings.

## **COSTS AND EXPENSES**

The payments shown on the summary of the Receipts and Payments at Appendix 1 are in the main self-explanatory, however I would comment as follows:

### **Joint Liquidators' Remuneration**

The Joint Liquidators have not yet sought approval for their remuneration in relation to this assignment. However, I have issued alongside this report my fee estimate, together with a vote by correspondence form that details the relevant resolutions in respect of the Joint Liquidators' remuneration and disbursements.

The Joint Liquidators' time costs for the period from 23 April 2020 to 22 April 2021 total £23,541, representing 103.20 hours at an average hourly rate of £228.11.

Nothing has been drawn on account of the time costs incurred.

A breakdown of time costs incurred during the period, in accordance with Statement of Insolvency Practice 9, is set out in Appendix 2 to this report.

### **Joint Liquidators' Disbursements**

This Joint Liquidators disbursements may include an element of overhead charges and in light of this, a resolution is detailed in my fee estimate to enable creditors to approve the reimbursement of any category 2 disbursements incurred in this case. The basis of the calculation for this category of disbursement is also disclosed within the documentation issued with me fee estimate.

For the period from 23 April 2020 to 22 April 2021, the Joint Liquidators have incurred disbursements in dealing with this assignment totalling £364.22 plus VAT, £77.32 of which is in relation to category 2 disbursements.

The Joint Liquidators have paid £286.90 from their office account and will look to recharge these disbursements once approval for their fees and disbursements has been agreed with creditors.

### **Legal Fees**

Schofield Sweeney LLP were instructed as legal advisors in relation to the significant investigatory work that is required in this case. Their costs have been agreed on the basis of their standard hourly charge out rates, plus disbursements and VAT.

For the period from 23 April 2020 to 22 April 2021, they have incurred time costs of £1,471 plus VAT. To date, nothing has been paid to Schofield Sweeney in respect of their time costs incurred in this case.

In addition, Goldsmith Bowers had some outstanding disbursements that they incurred in pursuing the debts due to the Company. I can confirm that £165.80 has been paid to Goldsmith Bowers in respect of these disbursements. It is not yet known if any further costs will be incurred by Goldsmith Bowers in relation to this case.

### **Petitioning Costs**

I have not yet received the details of the petitioning creditor's costs but I will provide this information to creditors in my next progress report.

A breakdown of costs and expenses incurred in the period, irrespective of whether they have been paid or not, is included at Appendix 3 to this report.

## **CONCLUSION**

The Joint Liquidators shall continue the administration of the Liquidation and hope to finalise the outstanding matters that are preventing this case from being closed being progressing the investigations into the financial affairs of the Company and pursuing any claims arising from the same.

Creditors and members have the right to request further information from the Joint Liquidators under Rule 18.9 of the Insolvency (England and Wales) Rules 2016 and also have the right to challenge their remuneration and expenses as Joint Liquidators under Rule 18.34 of the Insolvency (England and Wales) Rules 2016 following receipt of a progress report. Further details of these rights can be found in the Creditors Guide to Fees which are available at:

<https://www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/>

Alternatively, a hard copy of the relevant guide will be sent to you free of charge on request. Please note there is a time limit for requesting information of 21 days following receipt of this progress report. There is a time limit of 8 weeks following receipt of this report for a Court application that the Joint Liquidators remuneration or expenses are excessive.

Please note that the Joint Liquidators are bound by the insolvency code of ethics, creditors are entitled to request details of any threats identified to compliance with the fundamental principles and safeguards applied. Any such requests should be made in writing to this office.



**Christopher Wood**  
**Joint Liquidator**





**Refresh Recovery Limited (In Compulsory Liquidation)**  
**Joint Liquidators' Abstract of Receipts & Payments**

**From 23 April 2020 to 22 April 2021**

<b>Official Receivers</b>		
<b>Observations</b>		
<b>£</b>		<b>£</b>
<b>RECEIPTS</b>		
NIL	Book Debt - RE: WIP	29,398.80
NIL	Funds from Previous Office Holder	7,033.65
NIL	Book Debt - RE: Jacqueline Knox	2,538.15
NIL	Book Debt - RE: Global Plaques Limited	65.00
NIL	Bank Interest Gross	14.36
NIL		<u>39,049.96</u>
<b>PAYMENTS</b>		
	Official Receiver General Fee	(6,000.00)
	Official Receiver Administration Fee ( Balance)	(3,400.00)
	BIS Bank Charges	(88.30)
	Legal Disbursements	(165.80)
	Computer System Disbursement	(110.00)
	Specific Bond	(98.00)
	Statutory Advertising	(78.90)
	Corporation Tax	(2.87)
		<u>(9,943.87)</u>
<b>CASH IN HAND</b>		<u>29,106.09</u>
<b>REPRESENTED BY</b>		
	Insolvency Service Account	29,281.83
	Office Account	(224.68)
	VAT Control Account	48.94
		<u>29,106.09</u>



**Joint Liquidators' Remuneration Schedule**  
**Refresh Recovery Limited**  
**Between 23 April 2020 and 22 April 2021**

Classification of work function	Partner/ Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost	Average Hourly Rate
Admin, Planning, Statutory Reporting & Compliance	7.00	25.50	7.30	7.70	47.50	10,381.50	218.56
Investigations	9.50	10.30	3.80	0.20	23.80	6,197.50	260.40
Realisation of Assets	0.40	4.90	0.90	0.00	6.20	1,383.00	223.06
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	1.40	0.90	0.80	3.10	587.00	189.35
Case Specific Matters	0.80	19.40	2.40	0.00	22.60	4,992.00	220.88
General Advice	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pre Appointment - Obtaining Information	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total hours</b>	<b>17.70</b>	<b>61.50</b>	<b>15.30</b>	<b>8.70</b>	<b>103.20</b>		
<b>Time costs</b>	<b>5,929.50</b>	<b>13,530.00</b>	<b>2,907.00</b>	<b>1,174.50</b>		<b>23,541.00</b>	
<b>Average hourly rate</b>	<b>335.00</b>	<b>220.00</b>	<b>190.00</b>	<b>135.00</b>			<b>228.11</b>

**Summary of Fees**

Time spent in administering the Assignment

**Hours**

103.20

Total value of time spent to 22 April 2021

**£**

23,541.00

Total Joint Liquidators' fees charged to 22 April 2021

**£**

NIL



**REFRESH RECOVERY LIMITED (IN COMPULSORY LIQUIDATION)**  
**STATEMENT OF EXPENSES FOR THE PERIOD 23 APRIL 2020 TO 22 APRIL 2021**

Expenses	Provider	Total paid at date of report (as per R&P) £	Costs incurred but not paid at date of report £	Total Expenses since appointment £
Joint Liquidators' Remuneration	BHP Corporate Solutions LLP	0.00	23,541.00	23,541.00
Joint Liquidators' Disbursements	BHP Corporate Solutions LLP	0.00	77.32	77.32
Petitioners Costs	Live Recoveries Limited	0.00	Unknown	Unknown
Legal Fees	Schofield Sweeney LLP	0.00	1,471.00	1,471.00
Legal Disbursements	Goldsmith Bowers	165.80	0.00	165.80
Computer System Disbursement	Aryza UK Limited	110.00	0.00	110.00
Specific Bond	Aon UK Limited	98.00	0.00	98.00
Statutory Advertising	Courts Advertising Limited	78.90	0.00	78.90
<b>Total</b>		<b>452.70</b>	<b>25,089.32</b>	<b>25,542.02</b>

**Note**

*This schedule does not include the Official Receiver General Fee, Official Receiver Administration Fee and BIS Bank Charges, which are detailed in the Receipts and Payments account at Appendix 1.*



## Office Holder's charging and disbursement policy from 1 February 2020

The Office Holder's remuneration is charged by reference to the time properly given by the Office Holder and his staff in attending to matters arising and is charged in minimum time units of 6 minutes.

It is the Office Holder's policy to delegate tasks to appropriate members of staff considering their level of experience and any requisite specialist knowledge, supervised accordingly, so as to maximise the cost effectiveness of the work performed. Matters of particular complexity or significance requiring more exceptional responsibility are dealt with by senior staff or the Office Holder himself.

Set out below are the relevant charge-out rates per hour worked for the Office Holder's staff actually or likely to be involved on these assignments. Time is charged by reference to actual work carried out on the assignment. There has been no allocation of any general costs or overhead costs.

Grade	£ per hour
Partner	305 - 335
Senior Manager	260 - 300
Manager	200 - 240
Executive	190
Analyst	155
Administration/Secretarial	50 - 135

In common with all professional firms, the scale rates used by the Office Holder may periodically rise (for example to cover annual inflationary cost increases) over the period of the assignment. Any material amendments to these rates will be advised to the creditors and any creditors' committee in the next statutory report.

Specialist departments within the associated businesses of BHP LLP, BHP Financial Planning Limited, BHP Prosper Limited, Project Search LLP and BHP Debt Advisory LLP do sometimes charge a small number of hours, should we require their expert advice. Their rates do vary, however, the figures shown give an indication of the maximum rate per hour.

The Office Holder's firm's expenses policy allows for all properly incurred expenses to be recharged to the case. The policy relating to Category 2 disbursements is as follows:

### Category 2 disbursements

<b>Postage</b>	At cost – only charged for circulars to creditors or exceptional packages
<b>Storage</b>	At £0.50 per box per month
<b>Photocopying</b>	At 5 pence per side copied, only charged for circulars to creditors and exceptional amounts of copying
<b>Mileage</b>	At a maximum of 50 pence per mile (up to 2,000cc) or 70 pence per mile (over 2,000cc)
<b>Staff expenses</b>	These are only charged as they relate to the assignment and will generally be for subsistence or items charged at cost