

LIQ03

Notice of progress report in voluntary winding up



Companies House

WEDNESDAY



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COMPANIES HOUSE

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1 Company details

Company number 0 6 8 7 0 3 3 3

Company name in full S W Kelly Ltd

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Julie Anne

Surname Palmer

3 Liquidator's address

Building name/number Units 1-3 Hilltop Business Park

Street

Post town

Devizes Road

County/Region

Salisbury

Postcode

S P 3 4 U F

Country

4 Liquidator's name ①

Full forename(s) Sally

Surname Richards

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number Units 1-3 Hilltop Business Park

Street

Post town

Devizes Road

County/Region

Salisbury

Postcode

S P 3 4 U F

Country

② Other liquidator

Use this section to tell us about
another liquidator.

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6 Period of progress report

From date	^d 2	^d 7	^m 0	^m 7	^y 2	^y 0	^y 1	^y 7
To date	^d 2	^d 6	^m 0	^m 7	^y 2	^y 0	^y 1	^y 8

7 Progress report☒ The progress report is attached**8** Sign and date

Liquidator's signature

Signature

X

Richards

X

Signature date

^d2^d4^m0^m9^y2^y0^y1^y8

LIQ03

Notice of progress report in voluntary winding up

**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 **Josh Cook**Company name **Begbies Traynor (Central) LLP**Address **Units 1-3 Hilltop Business Park
Devizes Road**Post town **Salisbury**County/Region **Wiltshire**Postcode **S P 3 4 U F**

Country

DX

Telephone **01722 435190****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 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



S W Kelly Ltd (In Creditors' Voluntary Liquidation)

Progress report

Period: 27 July 2017 to 26 July 2018

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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- ❑ Assets that remain to be realised and work that remains to be done
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 - 2. Liquidators' time costs and disbursements
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1. INTERPRETATION

<u>Expression</u>	<u>Meaning</u>
"the Company"	S W Kelly Ltd (In Creditors' Voluntary Liquidation)
"the liquidation"	The appointment of liquidators on 27 July 2015.
"the liquidators", "we", "our" and "us"	Julie Anne Palmer and Sally Richards of Begbies Traynor (Central) LLP, Units 1-3 Hilltop Business Park, Devizes Road, Salisbury, Wiltshire, SP3 4UF
"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 W Kelly
Company registered number:	06870333
Company registered office	Units 1-3 Hilltop Business Park, Devizes Road, Salisbury, Wiltshire, SP3 4UF
Former trading address:	19 Isaacson Road, Burwell, Cambridgeshire, CB25 0AF

3. DETAILS OF APPOINTMENT OF LIQUIDATORS

Date winding up commenced:	27 July 2015
Date of liquidators' appointment	27 July 2015
Changes in liquidator.	Sally Richards replaced Simon Guy Campbell as Joint Liquidator on 16 May 2016 by court order

4. PROGRESS DURING THE PERIOD

Receipts and Payments

Attached at Appendix 1 is our abstract of receipts and payments for the period from 27 July 2017 to 26 July 2018.

Receipts

i) Settlement Funds & Contributions

The director has made further payments following the settlement agreement on his overdrawn loan account. During this reporting period we have collected £4,200 which leaves an outstanding balance of £350. This amount is likely to be written off as irrecoverable given that it would not be commercially viable to pursue.

£1.46 of interest accrued over the period.

Payments

No payments were made out of the account during the period.

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 - <http://www.begbies-traynorgroup.com/work-details>. 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

Time recorded under this category included:

- Filing
- Dealing with general calls.
- Dealing with routine correspondence and emails.
- Maintaining physical case files and electronic records
- Maintaining the liquidators' bank account
- Completing periodical case reviews

This work had no financial benefit for creditors as we are unable to distribute any funds to unsecured creditors due to insufficient realisations. However, the Insolvency Profession is a highly regulated industry and we 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

Time recorded under this category included:

- Statutory advertising.
- Undertaking statutory notifications to Companies House
- Conducting bond reviews

This work had no financial benefit for creditors as we are unable to distribute any funds to unsecured creditors due to insufficient realisations. However, the Insolvency Profession is a highly regulated industry and we 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. All of the work in the category is required under the Insolvency Act and Rules.

5. ESTIMATED OUTCOME FOR CREDITORS

The sums owed to creditors at the date of appointment are detailed in the director's statement of affairs. On the basis of realisations to date and estimated future realisations we estimate an outcome for each class of the Company's creditors as follows

Secured creditor

There are no secured creditors

Preferential creditors

There are no known preferential claims.

Unsecured creditors

No dividend is available for unsecured creditors because the funds realised have already been distributed or used or allocated for defraying the expenses of the liquidation. Please take this as notice that no dividend will be declared.

6. REMUNERATION & DISBURSEMENTS

Remuneration

Our time costs for the period from 27 July 2017 to 26 July 2018 amount to £2,011 which represents 13 hours at an average rate of £154.69 per hour

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

- ☐ Table of time spent and charge-out value for the period 27 July 2017 to 26 July 2018.
- ☐ Begbies Traynor (Central) LLP's charging policy
- ☐ Cumulative Time Cost Analysis for the period from 27 July 2015 to 26 July 2018

To 26 July 2018, we have not drawn any funds against our total time costs of £13,616 incurred since the date of our appointment.

Disbursements

During this reporting period we have not drawn any disbursements.

Why have subcontractors been used?

We have not used subcontractors.

A copy of 'A Creditors' Guide to Liquidators Fees (E&W) 2011' 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 www.begbies-traynor.com/creditorsguides. Alternatively, if you require a hard copy of the Guide, please contact our office and we will arrange to send you a copy

7. LIQUIDATORS' EXPENSES

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

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

As mentioned in section 4, the outstanding balance of the settlement funds at the time of writing stands at £350. Despite chasing for this amount we have been unable to recover it. Therefore, it has been written off as irrecoverable and the case will shortly be closed.

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

- Writing to members and creditors informing them of the final winding up of the Company and providing an up to date receipts and payments account

How much will this further work cost?

We estimate this additional work will cost c. £2,000 although it is likely to be written off as irrecoverable due to insufficient asset realisations.

Expenses

The only expense we expect to incur is in relation to the storage and destruction of our files on closing the case at a cost of £20.

9. 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.

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.

Sally Richards
Joint Liquidator

Dated. 24 September 2018

ACCOUNT OF RECEIPTS AND PAYMENTS

Period: 27 July 2017 to 26 July 2018

Statement of Affairs £		From 27/07/2017 To 26/07/2018 £	From 27/07/2015 To 26/07/2018 £
	ASSET REALISATIONS		
NIL	Plant & Machinery	NIL	NIL
Uncertain	Debtors	NIL	NIL
	Settlement Funds	4,200 00	9,050 00
	Third-Party Funds	NIL	2,000 00
NIL	Cash at Bank	NIL	NIL
	Bank Interest Gross	1 46	1 89
		<u>4,201 46</u>	<u>11,051 89</u>
	COST OF REALISATIONS		
	Statement of Affairs Fee	NIL	4,000 00
	Statement of Affairs Disbursements	NIL	84 60
	Liquidators' Expenses	NIL	232 62
	Legal Fees (1)	NIL	450 00
	Statutory Advertising	NIL	169 20
		<u>NIL</u>	<u>-4,936 42</u>
	UNSECURED CREDITORS		
-1,080 00	Trade Creditors	NIL	NIL
-10,090 00	Related Party Loan	NIL	NIL
-1 00	Bank	NIL	NIL
-42,472 00	HMRC	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	DISTRIBUTIONS		
-100 00	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>-53,743.00</u>		<u>4,201 46</u>	<u>6,115.47</u>
	REPRESENTED BY		
	Vat Receivable		136 52
	Bank 1 Current		5,978 95
			<u>6,115.47</u>

TIME COSTS AND DISBURSEMENTS

- a. Begbies Traynor (Central) LLP's charging policy
- b. Time Costs Analysis for the period from 27 July 2017 to 26 July 2018.
- c. Cumulative Time Costs Analysis for the period from 27 July 2015 to 26 July 2018.

CUMULATIVE STATEMENT OF EXPENSES

Type of expense	Name of party with whom expense incurred	Amount incurred £	Amount discharged £	Balance (to be discharged) £
Expenses incurred with entities not within the Begbies Traynor Group				
Title search	Land Registry	3 00	3 00	Nil
Mileage	BP	139.50	139 50	Nil
Subsistence	Welcome Break	7.62	7.62	Nil
Statutory Advertising	Courts	253.80	253 80	Nil
Bond	Marsh	82.50	82.50	Nil

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 guidance¹ 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 guidance² 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).

- 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.

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.

¹ Statement of Insolvency Practice 9 (SIP 9) – Remuneration of insolvency office holders in England & Wales

² *Ibid* 1

(B) The following items of expenditure will normally be treated as general office overheads and will not be charged to the case although a charge may be made where the precise cost to the case can be determined because the item satisfies the test of a *Category 1 disbursement*

- Telephone and facsimile
- Printing and photocopying
- Stationery

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 Salisbury office as at the date of this report are as follows

	Standard 1 May 2011 – until further notice
	Regional
Partner	395
Director	345
Senior Manager	310
Manager	265
Assistant Manager	205
Senior Administrator	175
Administrator	135
Trainee Administrator	110
Support	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 S W Kelly Ltd - Creditors Voluntary Liquidation - 25SW039.CVL : Time Costs Analysis From 27/07/2017 To 26/07/2018

Staff Grade	Consultant/Partner	Director	Sr Mngt	Mngt	Asst Mngt	Sr Admin	Admin	Jr Admin	Support	Total Hours	Time Cost £	Average hourly rate £
General Case Administration and Planning			0.5							0.5	455.00	310.00
	Case planning											
	Administration					5.4	0.5	0.2	1.6	7.9	1,232.50	456.00
	Total for General Case Administration and Planning		0.5			5.4	0.5	0.2	1.6	8.4	1,307.50	165.18
Compliance with the Insolvency Act, Rules and best practice												
	Accountancy											
	Banking and Bonding											
	Case history								4.1	4.1	451.00	110.00
	Statutory reporting and statement of affairs	0.5										0.00
	Total for Compliance with the Insolvency Act, Rules and best practice	0.5								0.5	172.50	345.00
Investigations									4.1	4.5	623.50	135.54
	CDJA are investigators											
	Total for Investigations											0.00
Realisation of assets												
	Asset collection											0.00
	Proportion of business and asset sales											0.00
	Realisation of the third party assets											0.00
	Total for Realisation of assets											0.00
Trading												
	Trading											0.00
	Total for Trading											0.00
Dealing with all creditors claims (including employees) correspondence and distributions												
	Secured											0.00
	Unsecured											0.00
	Unsettled committee											0.00
	Total for Dealing with all creditors claims (including employees) correspondence and distributions											0.00
Other matters which include settling decisions of creditors including tax litigation pensions and travel												
	Seeking decisions of creditors											0.00
	Advisories											0.00
	Other											0.00
	Other											0.00
	Legal costs											0.00
	Total for Other matters											0.00
	Total hours by staff grade	0.5	0.5			5.4	0.5	0.2	5.9	13.0		
	Total time cost by staff grade	172.50	165.00			945.00	67.50	22.00	649.00	2,011.00		
	Average hourly rate £	345.00	310.00	0.00	0.00	175.00	135.00	110.00	110.00			154.69
	Total fees drawn to date £									0.00		

SIP9 S W Kelly Ltd - Creditors Voluntary Liquidation - 25SM039.CVL : Time Costs Analysis From 27/07/2015 To 26/07/2018

Staff Grade	Consultant/Partner	Director	Snr Mngr	Mngr	Asst Mngr	Snr Admin	Admin	Jnr Admin	Support	Total Hours	Time Cost £	Average hourly rate £
General Case Administration and Planning	1.8	8.0	0.5		0.5		5.5			16.3	4,471.00	274.29
		0.5		0.5		5.4	5.2	0.4	4.9	17.1	2,576.00	150.64
Total for General Case Administration and Planning	1.8	8.5	0.5	0.5	0.7	5.4	10.7	0.4	4.9	33.4	7,047.00	210.99
Compliance with the Insolvency Act Rules and best practice					2.5		5.1	0.2		7.8	1,223.00	155.79
				0.2				3.9	12.2	16.3	1,824.00	111.90
Bankruptcy Bonding												
Costs of Creditors												0.00
Staffing, reporting and other costs of affairs		0.5		5			2.7	1.4		6.1	1,088.50	178.44
Total for Compliance with the Insolvency Act Rules and best practice	0.5	0.5	1.7	1.7	2.5		7.8	5.5	12.2	30.2	4,135.50	135.94
Investigations				4.5	2.0		3.6			10.1	2,088.50	206.78
				4.5	2.0		3.6			10.1	2,088.50	206.78
Total for Investigations												
Realisation of assets												0.00
Part to action												0.00
Debtors' liabilities and asset sales												0.00
Recovery of the third party assets												0.00
Total for Realisation of assets												
Trading												0.00
								0.4		0.4	44.00	110.00
Total for Trading								0.4		0.4	44.00	110.00
Dealing with all creditors' claims, including employees' correspondence and distributions												0.00
Secured												0.00
Unsecured												0.00
Creditors committee												0.00
Total for Dealing with all creditors claims (including employees) correspondence and distributions												0.00
Other matters which includes seeking decisions of creditors meetings, tax litigation pensions and travel												0.00
Meeting												0.00
Other												0.00
Tax				0.5			0.5			1.0	200.00	200.00
Litigation												0.00
Total for Other matters	1.8	9.0	0.5	0.5	5.2	5.4	22.6	6.3	17.1	10	200.00	200.00
Total hours by staff grade	1.8	9.0	0.5	0.5	5.2	5.4	22.6	6.3	17.1	10	200.00	200.00
Total time cost by staff grade	711.00	3,105.00	155.00	1,908.00	1,065.00	845.00	3,051.00	693.00	1,881.00		13,515.00	
Average hourly rate £	395.00	345.00	310.00	265.00	205.00	175.00	135.00	110.00	110.00			179.96
Total fees drawn to date £											0.00	